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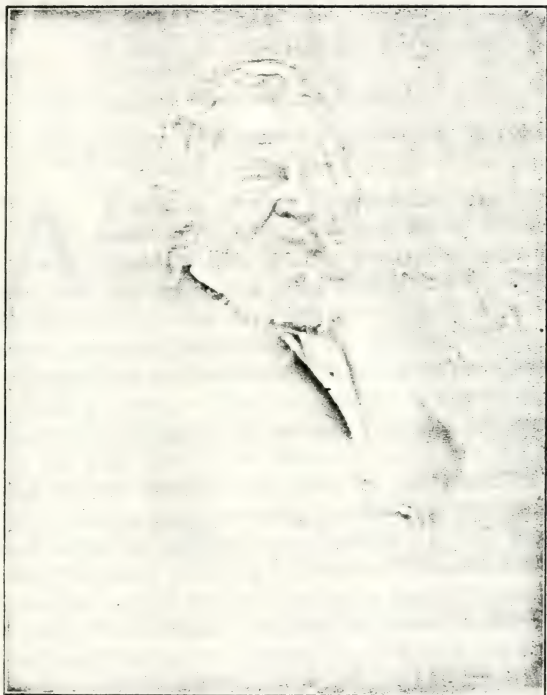
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# AMERICANA

1800-1900



HENRY W. LONGFELLOW



# AMERICANA

January, 1915

## Rhode Island Settlers on the French Lands in Nova Scotia in 1760 and 1761

BY ARTHUR WENTWORTH HAMILTON EATON, D. C. L.

"Still stands the forest primeval; but under the shade of its branches  
Dwells another race, with other customs and language."

—LONGFELLOW.

**A**N episode of New England history that has hitherto been only slightly touched upon by writers in the United States, or even in Canada, is the very considerable migration from Massachusetts, Connecticut, and Rhode Island, to the maritime province of Nova Scotia, shortly after the tragical expulsion of the Acadians in 1755. In the issue of *Americana* for December, 1913, the writer of this article gave a lengthy sketch of the career of an extraordinary man named Alexander McNutt, who between 1759 and 1766 made heroic but for the most part futile efforts to settle the depopulated lands and the yet uncultivated parts of the beautiful province that for a century and more after its first colonization by the French, had borne the musical name Acadia. In the same writer's recent "History of King's County, Nova Scotia, Heart of the Acadian Land," and in a paper on the settlement of Colchester County, Nova Scotia, published still later, in the Transactions of the Royal Society of Canada, many details are given of the conspicuous migration from New England of which we have spoken. McNutt's enthusiasm for the Nova Scotia lands, and his glowing visions of widespread settlements thereon, were shared to the full by many groups of New Englanders as soon as the proclamation was issued inviting settlement in this historic British possession, and by the close of 1761 the province was richer in popu-



lation by some ten thousand souls, probably, than it had been at the beginning of 1759.

With a rapidly increasing varied population, active in all the great enterprises that engage the attention and stimulate the powers of modern men, spreading today enthusiastically throughout the several provinces of the Dominion of Canada from the Atlantic to the Pacific, it is as interesting as it is necessary to recall in detail the first permanent British settlement of any part of Canada. Thirty-three years before the first bands of American Loyalists, all Britons to the core, began to occupy the rich unsettled country along the Bay of Quinté and in the Niagara peninsula, the province of Nova Scotia welcomed to the shores of its Chebucto Bay the very earliest group of permanent British settlers in the whole Dominion. In 1749, the Hon. Edward Cornwallis brought out the English colony that established the town and fortress of Halifax, which as a civil and military stronghold it was intended should henceforth serve as a bulwark against French aggression in eastern America, and, in counterpoise to Louisburg, as a strong strategic centre from which necessary defensive, or if need be offensive, warlike operations, might be carried on. The capture of Fort Beauséjour, in Nova Scotia, and the forcible removal of the French population in general from this province, both occurred, it will be remembered, in 1755, and the final seizure of Louisburg in 1758, and the historic fall of Quebec in 1759, at last gave England supreme control in Nova Scotia, Cape Breton, and Canada, and brought the long desired day of opportunity for permanent British settlement in these provinces fully to dawn.

When the removal of French influence from Nova Scotia was fully accomplished, the Governor and Council of the Province, as we have intimated, made public proclamation in New England of their desire to give large grants to New England families willing to emigrate, and the result was that before the end of 1761 many Massachusetts, Connecticut and Rhode Island towns had witnessed the removal of numbers of their best inhabitants to this ancient province by the sea. In this New England migration began the modern settlement of the beautiful Nova Scotia country that borders Minas and Annapolis Basins, and Chignec-





to Bay, and that stretches to the interior for many miles from the picturesque wave-washed southeastern Atlantic shore. That no other single British migration into any part of Canada, at any time, has so powerfully and with such lasting results influenced the destiny of British America we believe may safely be asserted. Even the great Loyalist migration of 1776 to 1784, large as it was, we cannot regard as having such permanent influence on Canada as this pre-Revolutionary exclusively New England settlement in Nova Scotia in 1760 and 1761.

Hants County, Nova Scotia, with the adjoining county of Kings, and perhaps part of Annapolis, may be said to constitute what has long been currently known as the "Garden of Nova Scotia." King's and Hants Counties, rich in agricultural products, covered now with glorious apple orchards, whose blossoms in June are veritable

"Banks of bloom on a billowy plain,"

border the blue Basin of Minas, and seem to claim the special protection of the white-mist-wreathed cliff, Blomidon, which rears its head like a tall turbanned sheik at the entrance of the Basin and watches in somnolent silence the daily rush, forward and backward, of the never ceasing currents of Fundy's tireless tides. King's County was settled chiefly from eastern Connecticut, as Cumberland, Annapolis, Queen's and part of Shelburne were from Massachusetts, but Hants County received its fine population in very great part from the pleasant State of Rhode Island, a little less than two decades, however before Rhode Island became a State. Hants County lies east, west and south along the Avon river, a stream which flows into Minas Basin; it is intersected also by the rivers St. Croix, Hebert, and Kennetcook. In French times part of the county was a region of indeterminate extent known as Pisiquid, and Judge Haliburton, a distinguished native of the county, in his well known History of Nova Scotia, tells us, as we know from many other sources, that it was a part of Acadia held in great estimation by the *habitants*, who valued, as they might well do, its priceless alluvial dykelands, some portions of which they inclosed from the sea, and



its rich upland meadows, on which they raised fine crops of wheat and other grains, in part for the eager Bostonians, whose bread-needs afforded them the nearest markets they had.<sup>1</sup> At the time of the Acadian deportation, as Lieutenant-Colonel John Winslow's journal shows, Pisiquid occupied with Minas the chief place in the attention of the authorities at Halifax, and Captain Alexander Murray, who held command at Fort Edward, the little fort which had been erected five years before at what is now the town of Windsor, was for some time in constant communication with Winslow at Minas, to whom he made frequent detailed reports of the progress of his measures for capturing the unfortunate Pisiquid French. It was within the confines of this Pisiquid fort, indeed, that the two commanders together drew up the fatal proclamation from the King informing the terrified people in both Hants and Kings that it was the government's settled purpose to exile them permanently from their homes.<sup>2</sup>

The establishment of townships within the limits of the five first formed counties of Nova Scotia slightly antedates the erection of the counties. The oldest townships of King's County, Horton and Cornwallis, were established (though the first grants were nullified in 1761) on the 21st of May, 1759, while Falmouth, the oldest of the townships that later came to form Hants County, was set apart on the 21st of July, 1759. The County of King's was erected by the Council on the 17th of August, 1759, its limits embracing besides the present King's, a corner of Lunenburg, almost if not quite the whole of Hants, more than a third of Colchester, and about half of Cumberland. Little by little the county was reduced in size, until by the cutting off of Parrsborough in 1840, and the distribution of this township between Colchester and Cumberland, only the present territory remained to King's. The History of King's County, that is, chiefly the present

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1. See "An Historical and Statistical Account of Nova Scotia," by Judge Haliburton (1829), p. 100. The name Pisiquid, which the French gave the region is also spelled Piziquet, Pigiquit, Piziquid, Pizequit and Pizaquid. Judge Haliburton says this name, in its various spellings, is an Indian word signifying the junction of two rivers (the Avon and St. Croix).

2. By the early part of November, 1755, Lieut. Col. Winslow had sent off, in nine vessels, 1,510 Acadians of the Minas and River Canard districts, while Captain Murray's activity had resulted in the deportation of 1,100 persons, "in four frightfully crowded transports," from the district of Pisiquid.



King's, was published, as we have said, by the writer of this paper, in a large volume in 1910,<sup>3</sup> but since Falmouth and its sister townships, Newport and Windsor, were in 1781 removed from King's and organized as Hants, the history of these townships is but slightly touched upon in that book. The writer's present purpose, therefore, is to give somewhat in detail the story of the settlement, in large part from Rhode Island, of the Hants County townships of Falmouth and Newport, and to record some important facts concerning the peopling of the third early Hants township, the inhabitants of which were of rather more varied origin, the township of Windsor.

In the late spring or early summer of 1781, the three then King's County townships we have just mentioned petitioned to be erected into an independent county, and on the 17th of June of that year, the Governor and Council granted their petition. A Council minute of this date says: "On the memorial of the Inhabitants of the towns of Windsor, Falmouth, and Newport, praying the said towns may be erected into a separate county, owing to the distance between said towns and Horton, the county town in King's County, which creates great difficulty to the inhabitants and expense to them in crossing the Rivers to attend the county business, whereupon it was resolved that the said Townships of Windsor, Falmouth, and Newport, and the lands contiguous thereunto, be erected into a County to be known by the name of the County of Hants." In the Crown Land Office in Halifax we find the following description of Hants County's bounds:<sup>4</sup> "Beginning at the bounds between Horton and Falmouth, Pizaquid River now called Avon, thence to run South 30 degrees East [words missing] Thence in a Right line to the Bridge on Shubenacadie River, Thence to Run down the Shubenacadie River passing through the lake commonly called the Grand Lake to the mouth or Confluence of that River with Colchester Bay. Thence down the said Bay and up the River Avon

3. This volume, which comprises, with a carefully made index, over 900 pages, was published by the Salem Press, Salem, Massachusetts, late in 1910.

4. Crown Land Description Book 4, folio 112. Hants County covers an area of 786,560 acres, the adjoining county, King's, of 552,960. The present population of Hants is reported to be (in 1911) 19,703; of King's, 21,780. In religion Hants has 5,742 Presbyterians, 4,218 Methodists, 3,722 Baptists, and 3,631 Anglicans.





to the bounds first Mentioned." How the name Hants came to be given the county, whether some one or more of the important early grantees of Windsor may have had a special interest in the English Hants and requested it, or whether the name was chosen by the Council at Halifax, we cannot now tell.

The townships regularly organized and existing within the limits of Hants county in 1781, as we have seen, were but three, but in time three others were more or less formally created: Rawdon, bounded by Douglas on the north and east, and Newport on the south and west, on the 3d of August, 1784; Douglas, which included the Kennetcook river, the Five Mile river, the Nine Mile river, and the land along their courses, together with the Gore settlements, also in 1784; and Kempt, a region comprising 80,000 acres, which adjoined Maitland to the west and bordered on the Basin of Minas, east of the mouth of the Avon, (though much earlier settled) not until 1825.

On Johnston's topographical map of Canada, published in 1874, Maitland also is given as a township, but in Judge Haliburton's description of Hants County, Maitland, bordering on Cobequid Bay and the Shubenacadie river, is properly included in Douglas. The scope of the present paper forbids any lengthy description of the settlement of the last three of these acknowledged Hants County townships, but of the settlement of two of them, Rawdon and Douglas, a few words may here be said.<sup>4½</sup> The extent of Rawdon was 24,000 acres, and the first settlers were soldiers who had served under Lord Rawdon, afterward Marquis of Hastings, in South Carolina, in the war of the American Revolution. It was thus, of course, that the township received its name. The township of Douglas was bounded on the north and east by Cobequid Bay and the river Shubenacadie, south by the county of Halifax, and west by Rawdon and Newport, the extent of its territory being 105,000 acres. Douglas was granted (in 1784, as we have said) to Lieutenant Colonel Small,<sup>4¾</sup> for the

<sup>4½</sup>. In appendix No. V we have given a list of the Rawdon grantees.

<sup>4¾</sup>. Lieut.-Col. John Small, born in Scotland in 1726, entered the 42d Highland regiment, as ensign 29 August, 1747, and as lieutenant served in America under Abercrombie, and in the West Indies. He received his captaincy in 1762. June 14, 1775, he was commissioned major to raise a corps of Highlanders in Nova Scotia to serve in the Revolution. With this force, we suppose, he served at the battle of Bunker Hill. Later he was appointed major commanding the 2d battalion



location of the disbanded Second battalion of the 84th regiment, which he had commanded under Sir Henry Clinton in New York from 1779. Of the township of Kempt, Judge Haliburton says: "The upland here is indifferent, and the interval was the principal attraction to the first inhabitants, who were Americans that had enlisted in the 84th regiment while it was stationed on Long Island, New York."<sup>5</sup> In 1879 the county of Hants was divided for purposes of representation and local government into two municipalities, and the ancient township divisions technically disappeared.

Details like these are tiresome, but they are necessary to be remembered if we would know fully the story of the settlement from Rhode Island in Nova Scotia in 1761. Since the time of the Revolution, when the Nova Scotia government by strong, determined measures kept the province under its control from joining, as a large portion of its people would have been willing to have it do, in the movement for independence, the province-by-the-sea has been to United States people a foreign country, but from the establishment of the colony of Massachusetts Bay until the Revolution, Nova Scotia was in close alliance with Massachusetts, and, through all the political changes the Acadian province underwent, to the time of the complete destruction of French power within its borders, the Massachusetts authorities kept its interests closely at heart. A chapter of local history that has never fully been written but that offers an interesting field for searchers among the records of the past is the story of the mild adventures of the little garrison at Annapolis Royal from the capture of this historic fortress by Nicholson in 1710 to the establishment of civil government at Halifax and the removal of the chief military power to that place, in 1749. The record of land-granting in Nova Scotia from 1759 to the end of the Revolutionary period in America is another subject that has in it also distinct elements of romance, but land granting in

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of the 84th Royal Engineers, with part of which in 1779 he joined the army under Sir Henry Clinton at New York. In 1780 he was made lieut.-col., 18 Nov., 1790, col., in 1793 Lieut.-Gov. of Guernsey, and 3 Oct., 1794, major-general. He died in Guernsey, 17 March, 1796. See Dict. of National Biography and Appleton's Encyclopaedia of Am. Biography.

5. These settlers were probably part of the troops under Col. Small's command in the Revolution.



the province began while the Annapolis garrison still exercised control over the wild lands of the province, and indeed over the tilled farms of the industrious French, for on the 13th of November, 1735, Lieutenant-Governor Lawrence Armstrong, who was chief in the garrison, announced to his councillors "that having had two Scrawls of Grants from Mr. Secretary, vizt., One for Lands to be granted at Chiconito [Chignecto], and the other for lands to be also granted at Menis or Piziguet, he thought it necessary to lay the matter before the board for their consideration." The grants were then given, in 1736, the Governor and Council deciding that the "Township" to be settled at Piziguet should be called "Harrington in the parish of Harrington,"<sup>5½</sup> that each grant, at Chiconito or Piziguet, should comprise 100,000 acres, and that the grantees should be required to place on their grants a certain number of settlers, to make the grants operative. Undoubtedly the grantees, who were naturally members of the military government, Armstrong himself being one, were unable to fulfil the important condition requiring settlement of their grants, and in 1759, when the intending New England settlers in Hants County desired grants, the Council at Halifax, that ten years before had supplanted the Military Council at Annapolis Royal, announced that the earlier grants at "Piziguet" were no longer in force, for the grantees, Brigadier-General Richard Philipps, Lieutenant-Governor Lawrence Armstrong and "other official persons," had never fulfilled the terms of their grants, which therefore must now be formally escheated to the Crown.

#### THE TOWNSHIP OF FALMOUTH

The expulsion of the French from Nova Scotia in 1755, commemorated by Longfellow in his famous poem *Evangeline*, was a drastic measure that the Lords of Trade in England and the local authorities at Halifax at last came to feel necessary for the carrying out of an intention that at a much earlier time had, with more or less distinctness, taken shape in their minds, to

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<sup>5½</sup>. See Nova Scotia Archives (printed), Vol. 3, pp. 327, 328.





settle the province preponderatingly with people of British stock. The removal was accomplished,

—“on the falling tide the freighted vessels departed,  
Bearing a nation, with all its household gods, into exile,  
Exile without an end, and without an example in story,”

and when the French were gone and the government had leisure to carry out its own wishes and the wish of the Home Government, as also that of its neighbour colony of Massachusetts, in reference to British settlement of the province, the Nova Scotia Council in 1758, under direct instructions from England, adopted a proclamation relative to settling the vacant lands throughout the province, both those lands that had formerly been occupied and tilled by the French, and those that had never hitherto been settled at all. The proclamation stated that by the destruction of French power in Cape Breton and Nova Scotia the enemy who had formerly disturbed and harassed the province and obstructed its progress had been obliged to retire to Canada, and that thus a favourable opportunity was presented “for peopling and cultivating as well the lands vacated by the French as every other part of this valuable province.” Proposals for settlement, it was announced, would be received by Mr. Thomas Hancock of Boston, and Messrs. DeLancey and Watts of New York, and would be transmitted to the Governor of Nova Scotia, or in his absence to the Lieutenant-Governor, or the President of the Council.

The next step was to have the proclamation issued, and accordingly on the 12th of October, 1758, the Council caused it to be published in the *Boston Gazette*.<sup>6</sup> As soon as the proclamation appeared the Boston agent was plied with questions as to what terms of encouragement would be offered settlers, how much land each person would receive, what quit-rent and taxes were to be exacted, what constitution of government prevailed in the province, and what freedom in religion settlers would be allowed. The result of these inquiries was that at a meeting of

6. It seems that posters or flyers were also printed, for Rev. Dr. John Forrest of Halifax has told the writer that he had one of these.





the Council held on Thursday, January 11, 1759, a second proclamation was approved, in which the Governor stated that he was empowered to make grants of the best lands in the province, that a hundred acres of wild wood-land would be given each head of a family and fifty acres additional for each person in his family, young or old, male or female, black or white, subject to a quit-rent of one shilling for every fifty acres, the rent to begin, however, not until ten years after the issuing of the grant. The grantees must cultivate or inclose one-third of their land in ten years, one-third more in twenty years, and the remainder in thirty years. No quantity above a thousand acres, however, would be granted to any one person. On fulfilment of the terms of the first grant the person receiving it should be entitled to another on similar conditions.

The lands on the Bay of Fundy were to be distributed "with proportions of interval plow land, mowing land, and pasture," which lands for more than a hundred years had produced abundant crops of wheat, rye, barley, oats, hemp, and flax, without ever needing to be manured. The government of Nova Scotia, it was declared, was constituted like that of the neighbouring New England colonies, the legislature consisting of a governor, a council, and an assembly. As soon as the people were settled, townships of a hundred thousand acres each, or about twelve miles square, would be formed, and each township would be entitled to send two representatives to the assembly. The courts of justice were constituted like those of Massachusetts, Connecticut, and other northern colonies; and as to religion, both by His Majesty's instructions and by a late act of the assembly full liberty of conscience was secured to persons of all persuasions, Papists alone excepted. Settlers were to be amply protected in their homes, for forts garrisoned with royal troops had already been established in close proximity to the lands proposed to be settled.<sup>7</sup>

The reponse to the Governor's proclamations, throughout New England was widespread and prompt. In April, 1759, a large number of persons in Connecticut and Rhode Island<sup>8</sup> signified

7. See for virtually this same account, Eaton's "History of King's County," pp. 59-61.

8. The number is given as 330.



their intention, if the conditions were as favorable as had been represented, of removing to the country about the Basin of Minas left vacant by the departure of the French. Accordingly they sent as agents to confer with the Governor<sup>9</sup> and personally view the lands five men, Messrs. (Major) Robert Denison, Jonathan Harris, Joseph Otis, and Amos Fuller, of Connecticut, and Mr. John Hicks of Rhode Island, all men of worth and standing in the towns where they lived. That these agents might be thoroughly informed concerning the lands about the Basin, the Council sent them in an armed vessel, with an officer of artillery and eight soldiers, the government surveyor, Mr. Charles Morris, accompanying the party, round the southern coast of the province and up the Bay of Fundy. At Grand Pré and Pisiqid they disembarked, in the latter district finding many of the houses and barns of the exiled French still standing.<sup>10</sup> It was now about the middle of May and the rich dykes and uplands showing unmistakable signs of great fertility and in their early summer greenness so impressed the agents that as soon as they reached Halifax again they entered into an agreement with the Governor and Council to settle two townships, Horton, the French "Minas," and Cornwallis, the French "River Canard."

Two of the agents, Messrs. Hicks and Fuller, also laid before the authorities "some proposals for settling part of a township at Pisiqid, desiring that a sufficient quantity of lands there might be reserved for them until the last day of July next, by which time they proposed to return a list of the names of the persons whom they should engage as settlers."<sup>11</sup> In recognition of this proposal the Council resolved that lands lying on the north side of the river Pisiqid should be reserved for the

9. This was Colonel Charles Lawrence, who was appointed lieutenant-governor July 17, 1750, and was made governor July 23, 1756. He was energetic in the removal of the Acadians, and in the subsequent settling of the province from New England. He died in office on Saturday, October 11, 1760, and was succeeded in 1761 by Henry Ellis, Esq., who had been governor of Georgia. Lawrence's predecessors in the civil government of Nova Scotia were Col. the Hon. Edward Cornwallis and Col. Peregrine Thomas Hopson. A sketch of Governor Lawrence by Dr. Thomas B. Akins will be found in vol. 2 of the Collections of the Nova Scotia Historical Society.

10. At Grand Pré and River Canard the buildings were almost without exception burned, in the district of Pisiqid for some reason Captain Murray left them standing.

11. The date of the Council meeting at which this proposal was made was May 21, 1759.





applicants and their associates, provided a list of the intending settlers should be presented on or before the last day of July of that year, and that the agents should engage to settle fifty families on or before the first day of September, 1760. The Council on its part promised that the settlers, when they should come, should receive all manner of protection and countenance from His Majesty's troops, and should have the same advantage in respect to transportation of themselves and their families, and their stock, as had been proposed in the case of the families intending to settle the townships of Horton and Cornwallis. At the Council meeting at which these declarations were made the grants of Horton and Cornwallis also were ordered to pass the seal of the province, and two months later, on the 21st of July, the township of Falmouth, covering a large part of the indeterminate region known as Pisiquid, and comprising 50,000 acres, was formally set apart.<sup>12</sup> On the 16th of July, as the Council minutes reveal, Mr. John Hicks, in pursuance of the agreement made by him and Mr. Fuller with the Council on the 21st of the preceding May delivered a list of the persons who proposed to settle Falmouth, and a grant of this third Minas Basin township was ordered to be made out. By the government surveyor, the three new townships were soon properly surveyed, but in each case the first grant was a little later rescinded. The reason for the withdrawal of these first grants we have nowhere seen officially stated, but it seems almost certain that it was chiefly because a considerable number of the first intending grantees changed their minds about coming to Nova Scotia, deciding to remain in their New England homes.

In a minute of Council of October 26, 1759, the fact is alluded to that some of the lands in Pisiquid, including part of Falmouth, had over twenty years before been granted to persons at Annapolis Royal and now had to be formally es-

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12. Before the townships of Horton, Cornwallis, and Falmouth were organized, the following townships, and these only, existed in Nova Scotia: Halifax, Lunenburg, Dartmouth, Lawrence Town (in Halifax County), Annapolis Royal, and Cumberland. The limits of these six earliest townships were provisionally fixed by the Council, and representation in the Assembly given them, January 3, 1757. Nova Scotia Archives, Vol. I, pp. 718, 719. Falmouth was probably named in recognition of the famous Admiral Boscawen, 3rd son of Hugh, 1st Viscount Falmouth, and brother of Hugh, 2nd Viscount. Admiral Boscawen died January 10, 1761.





cheated before they could be granted to others. The minute reads: "Mr. Amos Fuller and others having made application for lands for a township situated on Pisiquid River, upon searching the old Records of the Province it appeared that a part of the said Lands had been granted away in the year 1736, to Brigadier General Richard Philipps, Lieutenant-Governor Lawrence Armstrong and others, and a copy of the Deed whereby the same were Granted being read and taken into consideration, the Council are of opinion that the Grantees have failed to perform the several conditions of the said Grant, and that the Lands are thereby forfeited to the Crown." They therefore advise the formal escheating of their lands, "that the crown may be enabled to grant the said lands to the above persons, who are desirous immediately to cultivate and improve them."

At the meeting of Council held on the 16th of July, 1759, when Mr. John Hicks presented his list of intending settlers, it was debated whether or not it would be better to transport the settlers from Connecticut that autumn to Horton and Cornwallis, or whether it would not be advisable and expedient to postpone their removal until the following spring, "on account of the French and Indians being more numerous and aggressive than previously." To settle the matter, Mr. Hicks was called in and asked his opinion. He gave as his judgment that the people would rather wait, whereupon the Council advised that arrangements for the transportation of the people for these townships should be deferred. Although Falmouth is not included with Horton and Cornwallis in this minute of Council concerning the postponement of the settlement of King's County, in a letter to the Lords of Trade of September 20, 1759, Governor Lawrence says: "As the reasons for postponing the Settlements of Minas, Canard and Pisiquid until the next Spring are fully explained in the Council records of July 16th, I need not repeat them here, but it may be necessary for your Lordships information to observe that tho' the Settlers grants run to 500 acres to a family, there are only 25, or thereabouts, of cleared Land in each Grant."

The actual migration from Rhode Island to Hants County seems to have begun early in the spring of 1760, for in May of



that year Governor Lawrence reports that forty families have come to settle "in the direction of Annapolis, Minas and Piziquid." In May the sloop *Sally*, Jonathan Lovett, master, is recorded to have brought from Newport, Rhode Island, to Falmouth, thirty-five persons, and the sloop *Lydia*, Samuel Toby, master, twenty-three more.<sup>12½</sup> In a letter to the Lords of Trade of April 10, 1761, Lieutenant-Governor Belcher says: "The three Townships of Horton, Cornwallis, and Falmouth will have their compliment [sic] of settlers this spring, and a considerable addition will be made to Annapolis, Granville, and Liverpool, *and with little or no expence to the Government.*"<sup>13</sup> July 2, 1762, he writes that since his "last address" many settlers have come to the townships of Barrington, Yarmouth, Truro, Onslow, and Newport, and have brought credentials with them of their industry and knowledge of husbandry.

The details of the movement in Rhode Island for settlement in Nova Scotia we are left in great measure to imagine. The proclamations of Governor Lawrence must have produced great excitement in many towns, and one of the chief topics of conversation about Narragansett Bay for many months must have been the offer of rich lands about the Bay of Fundy and Minas Basin to any reputable settler who would apply for lands. In his long letter to the Lords of Trade of December 12, 1760, Lieutenant-Governor Belcher says that great opposition had been manifested in New England (he says "on the Continent") to people's coming to Nova Scotia, but how general this opposition was or where it most manifested itself we have no means of knowing. The lands in Nova Scotia, Belcher declares had been depreciated in New England, and men had even been pressed into military service against the French to prevent their migrating. It is of course not an intentional omission on the part of local historians, but yet it seems strange that so

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<sup>12½</sup>. March 10, 1760, the Nova Scotia Council "did advise that His Excellency should as soon as may be take up such transports either here or at Connecticut as may be necessary to assist the Province Vessels in the transport of those Settlers who are to be brought at the Government's Expence."

<sup>13</sup>. In a letter to the Lords of Trade written November 3, 1761, Belcher says: "The Towns of Onslow and Truro in the District of Cobequid, of Cumberland in that of Chignecto, of Annapolis Royal and Granville, have been settled in the course of this summer with one hundred and fifty Families, by the return of the chief surveyor to me."



large a migration of prominent families from Massachusetts, Connecticut, and Rhode Island towns should have left so little record as it has done in New England history. In our History of King's County we have spoken of the slight though significant mentions made by Miss Caulkins and Macy in their histories respectively of New London and Norwich, and Nantucket, of the Connecticut and Nantucket Island migrations.<sup>13½</sup> Arnold's History of Rhode Island tells us that there was "an extensive emigration from New England to Nova Scotia," probably in 1760, about a hundred persons going from the town of Newport alone.<sup>14</sup> In Rhode Island court records of 1762, also, we find it stated that many of his Majesty's good subjects born in this colony had removed to other places. In 1729 Rhode Island had been divided into three counties, Newport, comprising the Islands with New Shoreham; Providence, including the town of that name, Warwick, and East Greenwich; and King's, including North and South Kingstown, with Westerly, the shire being South Kingstown; and from each of these original counties and from many towns in the counties important families embarked for the Nova Scotia shores. From Newport, Tiverton, Little Compton, Portsmouth, Middletown, Warwick, East and West Greenwich, and both the Kingstowns, it is probable, the Nova Scotia settlement was reinforced, but if we can judge from a casual tracing of the families who migrated it would seem that Newport, Little Compton, and the Kingstowns sent the most.

The expulsion of the Acadians, as we know, has stirred poetical imagination as few other incidents of American history have done, but the migration from New England also has had recent commemoration in verse, for the human interest in it is vital and strong. Of the coming of the Connecticut people from the port of New London, and the Rhode Island people from Narragansett Bay, to the regions of Grand Pré, Riviere aux Canards, and Pisiquid one poet has sung:

"They come as came the Hebrews into their promised land,  
Not as to rocky Plymouth shores came first the Pilgrim band,  
The Minas fields were fruitful, and the Gaspereau had borne  
To seaward many a vessel with its freight of golden corn.

13½. History of King's County, Nova Scotia, pp. 61, 62.

14. "History of the State of Rhode Island and Providence Plantations," by Samuel Greene Arnold (1860), Vol. 2, pp. 233, 494. The Rhode Island court record given above is also quoted by Arnold.





"They come as Puritans, but who shall say their hearts are blind  
To the subtle charms of nature, and the love of human kind,  
New England's rigorous creeds have warped their native faith, 'tis true,  
But human creeds can never wholly Heaven's work undo,

"And tears fall fast from many an eye, long time unused to weep,  
For o'er the fields lie whitening the bones of cows and sheep,  
The faithful flocks that used to feed upon the broad Grand Pré,  
And with their tinkling bells come slowly home at close of day."

But no poet can ever fully picture the emotions of any people, especially people of such fine mould as the Rhode Island people of this migration, in leaving loved old homes for permanent residence in lands that are to them utterly strange and new.

Of the vessels that brought the people from Rhode Island to Nova Scotia, and of the men who captained the ships, we have been able to gain some information.<sup>15</sup> One of the captains who was most active in transporting the people was Captain John Taggart, who himself, with two mates, a pilot, a gunner, and eighteen men, at some time during the migration period commanded the brig *Snow*. Captain Taggart's services were highly commended by Mr. Belcher in a letter to the Lords of Trade of December 21st, 1760. Belcher writes: "As Captain Taggart has been very diligent and usefull on the Continent in assisting and promoting the Embarkation of the Settlements, I would beg leave to recommend his services to your Lordship's consideration." The total expense to the Government of Captain Taggart's services "in hiring vessels and transporting passengers," was £3,014.12.11¼, for which Taggart drew on Thomas Hancock, Esq., at Boston. A vessel that is conspicuously mentioned as bringing food for the settlers was the brigantine *Montague*, Captain Rogers, whose crew consisted of a mate, a pilot, and eighteen men. This vessel after unloading provisions for the people of Horton and Cornwallis, in her passage through the river Canard ran upon a bank of mud and was "overset so deep" that she became a total loss. To take her place a new vessel was purchased at a cost of five hundred pounds. Besides these vessels we have the sloop *Diamond*, Peter Rogers, master; the sloop *Dispatch*; the sloop *Dragon*, Joseph Normand, master;

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15. More or less of this information we have gleaned from accounts appended to the Nova Scotia Governor Lawrence's correspondence concerning the settlement, with the English Lords of Trade.





the *Horton Packet*; the sloop *Lidia*, Jonathan Molony, master; the sloop *Lucy*, James Cox, master; the schooner *Monkton*, Solomon Tripp, master; the schooner *Norwich*, Packett (?) Trapp, master; the schooner *Pilot*, with a master and four men; the *Province Brig*, Captain Rogers; the sloop *Rain-Bow*, Jacob Hurd, master; the sloop *Sally* (either this vessel or another *Sally*, had as master Jeffrey Crossman), Jonathan Bardock, master; the sloop *Speedwell*, Seth Harding, master; the schooner *Warren*; the sloop *Wolfe*, Joseph Winship, master; the sloop *Yarmouth*; and the sloop *York*, Captain Cobb, with also a mate, a pilot, and eighteen men. We have also a record of William Rockville's carrying thirty-five settlers to Horton, at a charge of fifteen pounds.

The record of the first Falmouth grant will be found in Grant Book No. 2, pp. 28-32, in the Crown Land Office at Halifax. It reads as follows:

"A Grant made by His Excellency Governor Lawrence with the Advice and Consent of His Majesty's Council for this Province to John Hicks, Amos Fuller, and a Number of other Persons (hereafter named) whom they represented as their Committee, passed under the Seal of this Province Giving and Confirming unto them in the respective Shares hereafter specified the whole of a Tract of Land now erected into a Township by the Name of the Township of Falmouth Situate lying and being within the Bason of Minas on Pisiguid River, within the said Province of Nova Scotia, and is bounded North Westerly by the Township of Horton, and beginning at a Point of Land on said Pisiguid River, and running South Sixty Degrees West, measuring Eleven hundred and fifty Chains of four Rods to a Chain, Southwesterly on ungranted Lands running South Thirty Degrees East measuring five hundred and Sixty Chains, Thence North Sixty Degrees East to the River Pisiguid, measuring Four hundred and twenty Chains, and thence bounded by the said River according to the Course thereof to the Boundaries first mentioned containing in the whole by Estimation Fifty thousand Acres, be the same more or less according to a Plan and Survey of the same to be therewith registered.

"The Terms and Conditions on which this Grant is made are of



the same Tenor as those (of Horton, Cornwallis, etc.) already entered on this Book. The Land Granted to be Improv'd or Inclos'd, Hemp raised; The Quit Rent to be paid; and The Premises not suffered to be alienated without License, as in the Said Grants.

“Fifty of the said Grantees with their Wives, Children, Servants, and Stock are to remove and settle themselves on the said Tract of Land on or before the thirty-first Day of May next, otherwise the Grant to be entirely void & of none effect. But if performed & fulfilled to be good valid & effectual to the said fifty. But in Case any of the remaining Grantees shall not remove and Settle on the said Premises as aforesaid on or before the first Day of September One thousand seven hundred & Sixty then the Grant to every Grantee so failing to be null and void & their Right or share to revert to the Crown, etc.

“SIGNED SEALED AND DATED AT HALIFAX in the said Province this Twenty first Day of July in the Thirty third Year of His Maj'y's Reign, Anno Domini One Thousand Seven hundred and fifty nine.”

The grantees' names, in the order in which they are given, are as follows: Amos Fuller and John Hicks, half a share each; Benjamin Corey, Jeremiah Trescutt, Edward Cole, Jeremiah Cook, Elisha Parker, and William Nevil Wolseley, one and a half shares each; William Piggott, Alexander Phelps, Esq., Samuel Gilbert, Esq., Captain Samuel Philer, Jeremiah Angle, Esq., Ichabod Bruster, David Barker, Benjamin Grimes, Abner Hall, Gideon Abby, Gideon Abby, Jr., David Sweetland, Silvanus Phelps, Silas Crane, Job Piss, Jonathan Crosby, Moses Cleary, David Parry, Zachariah Parker, Cornelius Stores, Ebenezer Down, Joshua Hall, Daniel Hovey, Lemuel Cleveland, Stephen Barnabus [Barnaby], Nathaniel Stiles, John Gillet, Peletiah Marsh, David Waters, Nehemiah Angle, Edmund Hovey, Moses Phelps, Jessey Gourd, Timothy Buell, Isaac Owen, Richard Webber, Israel Morrey, Jonathan Root, Joseph Mane, Ruben Cone, Daniel Burg, Ephraim Taylor, Jonathan Dawson, David Randal, John Davison, Shubeal Dimock, Nathaniel Parker, Thomas Hall, Simon Ely, James Calkings, Elisha Dunk, John Steel, Obediah Hosfurd, Elisha Bill, Jabez Chappel, Heze-



kiah Cogshill, Joseph Phelps the third, David Carver, Elisha Huntington, Chloe Fuller, Richard Beal, Mordecai Decoster, James Willson, Robert Lawson, Wignul Cole, George Northrop, Silas Gardner, Benjamin Hicks, William Allen, Hannah Hicks, Samuel Sample, Abiah Phelps, Barnabus Hall, Nathaniel Cushman, William Sweetland, Lebues Woodworth, Cornelius Stores, Jr., Daniel Hovey, Jr., Nehemiah Wood, Martha Dyer, Joseph Steward, Judiah Agard, Consider Cushman, Edmund Hovey, Jr., Robert Avery, Jr., Gamaliel Little, Jr., Ezriah Peirs, Cyprian Davison, Jedediah Williams, Jr., John Darsey, Richard Hakes, John Hovey, Joseph Chamberlain, Benjamin Agward, William Fuller, David Cogswell, Sebel Cogswell, Nathaniel Hovey, Ephraim Hall, Gershom Hall; John Hanks, Samuel Westcoat, Eunice Greenhill, John Freeman, John White. (Whether all of these received one share, or some of them only half a share, each, the record, we believe, does not say). Of the 113 names which appear in this grant, very few, as we shall see, are to be found in the effective grant of 1761. A considerable number of the names in this grant are of Connecticut men, those in the grant of 1761 of men who actually settled in Falmouth are almost exclusively Rhode Island names.

The grant of Falmouth which went permanently into effect is declared to comprise "65 shares or rights." It was given June 11, 1761, and registered July 21st of the same year.<sup>16</sup> Each share of the township was to consist of 500 acres, but the whole was to comprise 750,000 instead of 50,000 acres, as in the first grant. As a matter of fact the 65 shares allotted reached only the sum of 34,000 acres, though the full 100 shares would have reached the sum of 50,000. The shares on this grant given for public uses, as we shall see, were, one share for the first minister, one share of 600 acres for a glebe, and 400 acres for a school. After this distribution was made, therefore, there remained yet much land to be granted. An undated plan in the Crown Land Office in Halifax gives the boundaries of this "new grant of Falmouth on the west side of Pizaquid River" as follows: "A Tract of Land Situate lying and being within the Basin of Minas being the District commonly called Pizaquid now

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16. See Grant Book 3, pp. 37-45.







called and to be hereafter known by the Name of the Township of Falmouth within the said Province of Nova Scotia, in which Township are comprehended the Lands hereby granted, being bounded northerly by the Township of Horton, Beginning at a Point of Land on Pizaquid River and running south 60 Degrees West, measuring Thirteen hundred chains of four Rods to a chain, Westerly on ungranted Lands running South 30 Degrees East measuring 880 chains, Southerly on ungranted Lands running 60 Degrees East to Lands granted to James Monk, Esq., and others, measuring 440 chains, and on the Said Land running North 30 Degrees West 300 chains, thence on the Same North 60 Degrees East 192 chains till it meets with Pizaquid River to the Boundaries first mentioned, containing on the whole 50,000 acres, allowance being made for Mountainous Lands, Lakes, and high Ways, according to the Plan."<sup>17</sup>

By a comparison of the boundaries of the two Falmouth grants it will be seen that the second grant was somewhat larger than the first, though the lands in both lay entirely on the west side of Pizaquid river. On the 28th of August, 1759, as we shall see when we come to describe the settlement of the township of Windsor, a grant of 7,000 acres, known still as the "Councillors' Grant," was given to seven members of the Council; and on the first of September following, another large grant, the size of which, however, we do not know, was given to Messrs. Joshua Manger, Michael Francklin, Isaac Deschamps, Charles Proctor, William Saul, Moses Delesdernier, and Gideon Delesdernier, very near the former. The territory covered by these grants and others which shortly followed was known locally as East Falmouth, until December, 1764, when it was organized into the

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17. Dr. Hind says (p. 47): "That the division of land included within the limits of *West Falmouth* was not made strictly in accordance with the original agreement with John Hicks and Amos Fuller would appear from the following unpublished letter addressed by the Hon. Jonathan Belcher to Isaac Deschamps:

"HALIFAX, 27th June, 1761.

"SIR.—If any share in *West Falmouth* is ungranted you will please to reserve it till you have my further directions. I shall be expecting your attendance at the general assembly with the other representatives of the King's county on Wednesday next, pursuant to the last proclamation.

"I am, sir, your most obedient servant,

"(Signed) J. BELCHER.

"ISAAC DESCHAMPS, ESQ.

"(Ms. letter in possession of Mrs. Wiggins)."



township of Windsor. Thus between 1760 and 1764 we find frequent mention in old records of both East and West Falmouth.<sup>18</sup> In his "Old Parish Burying Ground"<sup>19</sup> Dr. Hind reproduces an interesting letter, which we believe has otherwise never appeared in print, from the Hon. Charles Morris at Halifax to Mr. Isaac Deschamps at Piziquid, a little less than four months before the great grant of Newport township was made, in which we find significant mention of East Falmouth. The letter reads:

"Halifax, March 31, 1761.

"Sir,—Capt. Maloney, upon the application of the inhabitants of Horton and Cornwallis, is to return to New London to take in provisions, but half his lading; he is then to proceed to Newport [R. I.] to take provisions for East and West Falmouth; he has also orders to take Dr. Ellis and his family and effects and one Mr. Mather if they are ready.

"The inhabitants of East Falmouth have petitioned to be set off as a distinct township, and it has been mentioned in council, but nothing in conclusion done. There is an objection because of the fewness of the proprietors, but if they will consent to have an addition of 20 rights, a sufficient quantity of land being added for that end, I believe they may obtain it. I have proposed to have it named Newport, from my Lord Newport, a friend of Mr. Belcher's, and which I believe will be agreeable to the people if they think it will be of advantage to them. I think the addition of 20 shares will be no disadvantage, as they have land equivalent. You can inform yourself of their opinion on this head.

"I am obliged to you for the assistance you gave my son among the inhabitants. It will not be long before you will be here, and then I will fully inform you of the other affairs, till when, I am, in haste,

"Your most obedient servant,

(Signed) C. MORRIS."

"Endorsed—Rec. 5th April; Ans. 14th do."

18. In the third Assembly of the Province, which lasted from 1761 to 1765, besides the two representatives for King's County and two each for the townships of Horton and Cornwallis, the township of *West Falmouth* has two members. In the fourth Assembly, however, and thereafter, the name *West Falmouth* becomes merely *Falmouth*. *Falmouth* and *Newport* were the only townships in Hants to send members to the legislature as long as township representation continued.

19. "Old Parish Burying Ground," p. 56.



In a little less than four months after the date of this letter the township of Newport was formed, but it was not constituted from lands that belonged to what was then popularly known as East Falmouth, these lands in 1764 fell into the township of Windsor.

GRANTEES OF FALMOUTH (OR WEST FALMOUTH) IN 1761, IN ALPHABETICAL ORDER

Akin, Stephen, $\frac{1}{2}$ share.	Hovey, Enoch, $\frac{1}{2}$ share.
Akin, Thomas, 1 share.	Hovey, Nathan, $\frac{1}{2}$ share.
Allen, William, 1 share.	Hovey, Thomas, $\frac{1}{2}$ share.
Barnaby, Stephen, 1 share.	Jess, Joseph, 1 share.
Bayley, Joseph, $\frac{1}{2}$ share	Lovell, John, $\frac{1}{2}$ share.
Bayley, Samuel, 1 share.	Lyon, Henry, 1 share.
Brown, Samuel, 1 share.	Manchester, Edward, $\frac{1}{2}$ share.
Burden, Perry, $\frac{1}{2}$ share.	Masters, Abraham, 1 share.
Chase, Zacheus, 1 share.	Masters, Jonathan, 1 share.
Church, Constant, 1 share.	Masters, Moses, $\frac{1}{2}$ share.
Church, Edward, 1 share.	MacCulloch, Alexander, 1 share.
Cole, Wigunl, $1\frac{1}{2}$ shares.	McCulloch, Adam, 1 share.
Crosman, Jesse, 1 share.	Meachum, John, 1 share.
Davison, Cyprian, $\frac{1}{2}$ share.	Northup, Jeremiah, 1 share.
Davison, John, 1 share.	Northup, Joseph, 1 share.
Davison, Jonathan, 1 share.	Owen, Amos, 1 share.
Denson, Henry Denny, Esq., 2 shares.	Parker, Thomas, 1 share.
Denson, John, $1\frac{1}{2}$ shares.	Peasant, Mary, 1 share.
Denson, Lucy, 1 share.	Pyke, David, 1 share.
Dewey, Christopher, $\frac{1}{2}$ share.	Randall, David, $1\frac{1}{2}$ shares.
Dimmick, Shubael, 1 share.	Reynolds, Nathaniel, 1 share.
Doan, Eleazer, 1 share.	Roode, Jabesh, $\frac{1}{2}$ share.
Dyer, Martha, $\frac{1}{2}$ share.	Saunders, Timothy, 1 share.
First Minister, 1 share.	School, 400 acres.
Glebe, 600 acres.	Shaver, John, 1 share.
Green, Daniel, 1 share.	Shaw, Peter, 1 share.
Hall, Abner, $1\frac{1}{2}$ shares.	Shey, William, 1 share.
Hall, Barnabas, $\frac{1}{2}$ share.	Steel, John, 1 share.
Herrington, Jabesh, 1 share.	Stoddart, Ichabod, $1\frac{1}{2}$ shares.
Hicks, Benjamin, 1 share.	Sweet, Benoni, $\frac{1}{2}$ share.
Hicks, John, 1 share.	Watemough, Edward, 1 share.
Horswell, Luke, 1 share.	Wilson, James, 1 share.
Hovey, Daniel, Jr., $\frac{1}{2}$ share.	Wilson, Joseph, 1 share.





Wolsley, William Nevil, 1½ shares.	Woodworth, Thomas, 1 share.
Wood, Nehemiah, 1 share.	York, Edward, Esq., 1½ shares.
Wood, William, ½ share.	York, William, 1 share.

A highly important early settler in Falmouth was Colonel Henry Denny Denson. As will be seen from this list of grantees in 1761, he received in Falmouth a grant of two shares, 1,000 acres, a John Denson receiving 750 acres, and Lucy Denson 500 acres. In the proprietors' records of the township his name is very conspicuous, and in 1773, we believe, he was speaker of the Assembly of the province. The place of his residence at Falmouth, "Mt. Denson," stills bears his name. He is said to have left no male descendants. He was probably a colonel in the militia, though it is likely he had held some army commission before attaining that rank.

One of the most eminently useful native Nova Scotians was a descendant of the Falmouth grantee, Thomas Akin. This was Thomas Beamish Akins, D. C. L., for many years commissioner of records in Nova Scotia, who died unmarried at Halifax in May, 1891. Dr. Akins' Rhode Island-ancestry we have not traced, but the name is found on the register of Trinity Church, Newport, and probably in other Rhode Island records. On the death of Dr. Akins the House of Assembly moved that "this house has learned with profound regret of the death of Thomas B. Akins, Esquire, who for many years has held the position of commissioner of records in this province, and desires to express the recognition of his eminent learning and research and of the great services which his assiduous devotion to the records of our provincial history has rendered to the students of Nova Scotian and indeed of North American history." The many valuable papers presented by Dr. Akins to the Nova Scotia Historical Society, his careful editing of the first volume of the Nova Scotia Archives, and the large collection of books he left as a legacy to the Nova Scotia Historical Society, sufficiently attest his distinguished usefulness. His summer home to the time of his death was Falmouth, and in that town, as in Halifax, he was greatly beloved.

Among the many Rhode Island grantees of Falmouth in



1761 Captain Edmund Watmough was one. In the list, however, he appears as "Edward Watemough." In Ford's list of British officers serving in America between 1754 and 1774 he is called "Edmond" Watmough, and is said to have received a captain-lieutenancy in the Rangers, September 25, 1761. In the grant books at Halifax he appears also, October 31, 1764, with a grant in Falmouth of 500 acres. From Updike's well known History of the Narragansett Church, with its valuable notes by Rev. Daniel Goodwin, D. D., we find that "Mr. George Watmough, an English man," was one of the bearers at the burial of the wife of Rev. Dr. Mac Sparran, long Rector of the Narragansett Church, who died in England in 1755, while she and her husband were visiting there. Twenty years earlier than this, Miss Rebecca Watmough was married at "St. Paul's Church," London, to Capt. Benjamin Wickham, of Newport, Rhode Island. Some years later, this history records, "Mr. Edmund Watmough, perhaps a brother of Mrs. Wickham, visited Newport and remained there." He subsequently, however, it is said, returned to England. Captain Edmund Watmough married at Newport, R. I., but at what date is not clear, Maria Ellis, eldest daughter of Dr. Edward Ellis,<sup>20</sup> and removed to Falmouth, but how long he staid there we cannot tell. On the 19th of February, 1768, James Horatio Watmough and others received a grant of 6,322 acres in Newport, Hants County, and 20 Nov., 1772, he and others, received a grant of 847½ acres in Falmouth.

On the Falmouth township book is recorded the marriage, December 27, 1761, of "Mr. Moses Delesdernier and Mrs. Eleanor Bonner," also the birth, December 2, 1762, of their daughter, Martha Maria. Moses Delesdernier (De Lesdernier or De le Dernier) like Isaac Deschamps was a Swiss. He was born, it is said, in the Canton of Geneva, and was in Falmouth as early as November 12, 1757, for at that date Governor Lawrence gave him formal leave "to go to Pisiquid and there to Repossess lands, carry on Lawful trade, etc." Lawrence's warrant, a copy of which we find in the Falmouth Township Book, reads:

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20. See Mrs. Sarah Elizabeth Titcomb's "Early New England People."



"Whereas application has been made unto me by Mr. Moses Le denier for leave to go to Pisiquid and Repossess the Houses and Lands Commonly called Labradores Farm, which was formerly occupied by him and his servants with my permission, together with the Ground that he inclosed near the Fort, which Lands he intends to cultivate and improve, These are therefore to Certify all whom it may concern, that I have given, and do hereby give liberty to the said Moses Le dernier to possess the aforesaid Premises as he did heretofore, until further orders and that at his request, I have given him License to carry on any sort of lawful Trade or Merchandise (selling Spirits mixed or unmixed to the Troops only excepted) And I do hereby desire and require the Commanding Officer for the time being of Fort Edward, and all others whom it may concern to give the same aid, Assistance, and protection, to the said Moses Le dernier and the People employed by him, which is due to any of his Majesty's good Subjects, And in case the said Moses Le dernier shall find himself in a capacity of improving any other lands in that Neighborhood that are now vacant, he has hereby my permission to Possess the same for that purpose, untill he shall have orders to the contrary." <sup>20</sup>/<sub>4</sub> This warrant is dated November 12, 1757. At some time after his marriage, Delesdernier removed to the Chignecto Isthmus, and became a resident of North Joggins, Sackville (now in New Brunswick), and a trader and it is said army contractor there. In 1774 he was in Philadelphia, "no doubt on a trading cruise," when happening to notice a number of immigrants landing on a wharf from a West Indian vessel, he was attracted by the appearance of a young man of striking personality. He accosted the youth and found that his name was Richard John Uniacke and that he had left his home in Ireland to seek his fortune. Delesdernier invited him to return to Sackville with him and he did so. Uniacke soon fell in love with his host's daughter, and on the 3d of May, 1775, married her, he being then twenty-one years of age and his bride less than thir-

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<sup>20</sup>/<sub>4</sub>. "The country east of the road to Halifax," says Dr. Hind, "fell into other hands. Among these were Moses Delesderniers, who in November, 1757, received a warrant entitling him to re-occupy premises formerly held by him, and to take possession of certain lands about Fort Edward." "Old Parish Burying Ground," p. 55.





teen. During the American Revolution Delesdernier was accused of disloyalty to the crown, but in letters to the government at Halifax he stoutly denied the charge, and he was finally exonerated. Mr. W. C. Milner, in his "Records of Chignecto," from which some of the above facts are taken, says also that in 1775, in partnership with a Mr. DeWitt, Delesdernier established a truck business at Hopewell Hill. The next year a certain Captain Eddy, with a force of 180 men recruited chiefly at Machias, Maine, and at Maugerville, on the St. John river, attempted to capture Fort Cumberland in the interest of the Revolution, and in his campaign sacked Delesdernier's place, and caused the latter with his family to seek the shelter of the fort. Delesdernier died in 1811 at the age of 95 years. Mrs. Eleanor Delesdernier died at Mount Uniacke, on Friday evening, July 27, 1826, in her 85th year. The newspaper notice of her death calls her "Eleanor, widow of the late Moses DeLesdernier, Esq."

One of the Falmouth settlers from Rhode Island in 1761, as the list shows, was William Allen or Alline, and the famous New Light religious revival which stirred Nova Scotia for a few years after 1776, was largely due to a son of his, young Henry Alline. William Alline had begun life and married in Boston, but before Henry was born had moved to Newport, Rhode Island. From Newport he and his family came to Falmouth, and there in 1774 Henry experienced a remarkable conversion. In 1776 he began to preach as an evangelist, and his fervency had such an effect on the people of the province that in a short time the country places were in the throes of a religious revival similar to the great awakening in New England under Whitefield and others between thirty and forty years before. Henry Alline died in Northampton, New Hampshire, in February, 1784, the victim of consumption, his end hastened no doubt by the tremendous nervous excitement he had for almost ten years without ceasing undergone.<sup>21</sup>

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21. A longer biographical sketch of him will be found in Eaton's History of King's County, pp. 280-293.



## THE TOWNSHIP OF NEWPORT

The township of Newport was named, not as we should naturally suppose from Newport, Rhode Island, from which place some of the settlers of 1760 and '61 came, but, as a letter from Hon. Charles Morris which we have already quoted shows, in compliment to Lord Newport, a friend of Hon. Jonathan Belcher, who at the time of the settlement was not only chief-justice but also lieutenant-governor of the province.<sup>22</sup> In this part of Hants County the Acadians had not made very much settlement, the lands on which they located lying chiefly in Falmouth and Windsor. The soil, however, throughout the township was and is very fertile, and its agricultural capacities great, and since early in the New England settlement its extensive plaster quarries have yielded great quantities of this useful ore for markets in the United States. A month and ten days after the final grant of Falmouth was ordered by the Council, the great grant of Newport township was sanctioned by that body. The land within the limits of the grant was not, however, all yet unappropriated, for before the New England settlers applied for land in the county, a considerable number of grants, as we shall presently see, partly in Windsor, but very largely also in Newport, had been given to army officers who had served at Beauséjour and Louisburg, and perhaps a few other persons of importance, but for the most part the soil of Newport was owned still by the government and remained in the government's hands to give away.

The grant of Falmouth had been given on the west side of the Pisiquid, or Avon, river, the grant of Newport, which lay outside the territory commonly known as East Falmouth, was on the east side of the Pisiquid, between that river and the portion of country which later became currently known as the township of Rawdon. The Newport grant bears date July 21, 1761, and is made in the description to consist of 63 rights or shares, each share like the shares in other townships to comprise 500 acres,

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22. Thomas, 4th Earl of Bradford and Viscount Newport, died unmarried April 18, 1762, when all the honors of the family became extinct and the representation went into the Bridgeman family.



and the whole to make the sum of 58,000 acres.<sup>23</sup> In reality, the shares allotted by the grant numbered 66, but these aggregated only the sum of 33,000 acres. The ungranted remainder of the township, therefore, was thus left for later distribution to individual grantees. As in the case of Falmouth, the first minister was to receive by the grant one share, while for a glebe 600 acres were set apart, and for a school 400 acres, "making together two shares for the use of the church and school forever." In the Crown Land Office Description Book, under date of July 21, 1761, the boundaries of Newport township are given as follows: "Beginning at a stake and stones one mile north of Cochmegun River on the River Pizaquid and to run into the woods east ten miles, thence south till it meets with the road leading from Pizaquid to Halifax thence westerly on the road to the lands granted to Major George Scott and others, and is bounded by the farm granted to the said Scott and others till it comes to the River St. Croix and is bounded westerly by the river St. Croix to Pizaquid River, and thence by the said Pizaquid River till it comes to the bounds first mentioned, containing on the whole by estimation 58,000 acres more or less, according to the plan and survey of the same."<sup>23½</sup>

The list of grantees, put in alphabetical order, is as follows:

#### NEWPORT GRANTEES OF 1761

Albro, Samuel, 1 share.	Brenton, Samuel, 1 share.
Albro, William, 1 share.	Brightman, George, ½ share.
Allen, William, ½ share.	Burdin, Benjamin, 1 share.
Badcock, Jonathan, 1 share.	Burdin, Samuel, ½ share.
Bailey, Joseph, 1 share.	Butts, Aaron, ½ share.
Baker, Jeremiah, 1 share.	Card, James, 1 share.
Bentley, Samuel, 1 share.	Card, Jonathan, ½ share.
Bourgeois, Peter, ½ share.	Card, Richard, 1 share.

23. The grant was registered in the Crown Land Office, July 22, 1761. See Grant Book No. 4, pp. 100-105.

23½. In the History of King's County, p. 3, we have said that in 1761, from the part of Falmouth east of the Pisiqid, which was commonly known as East Falmouth, the township of Newport was set off. This statement, as we have elsewhere shown, is incorrect, the territory known as East Falmouth in 1764 came into the township of Windsor, no part of it was given to Newport. The grant of Newport was given where the New England agents had first requested that land should be set off to them, that is on the northeast side of Pisiqid river.





Carden, John, 1 share.	Reynolds, Benjamin, 1 share.
Chambers, John, 1 share.	Rogers, Jonathan, 1 share.
Chapman, Stephen, 1 share.	Sanford, Benjamin, 1 share.
Church, Edward, $\frac{1}{2}$ share.	Sanford, Daniel, $\frac{1}{2}$ share.
Clark, Elisha, 1 share.	Sanford, Income, 1 share.
De Lesdernier, Gideon, $\frac{1}{2}$ share.	Sanford, Joseph, 1 share.
De Lesdernier, Moses, $\frac{1}{2}$ share.	Sanford, Joshua, 1 share.
Deschamps, Isaac, $\frac{1}{2}$ share.	School, 400 acres.
Dimock, Daniel, $\frac{1}{2}$ share.	Shaw, Arnold, 1 share.
Ellis, Edward, 1 share.	Shaw, John, 1 share.
First Minister, 1 share.	Shey, Peter, 1 share.
Fish, Michael, 1 share.	Simpson, James, 1 share.
Glebe Land, 600 acres.	Slocomb, John, 1 share.
Gosbee, John, 1 share.	Smith, James, 1 share.
Halyburton, William, 1 share.	Stewart, Gilbert, 1 share.
Hervie, Archibald, $\frac{1}{2}$ share.	Strait, Joseph, 1 share.
Hervie, James, 1 share.	Wascoat, Robert, Sr., 1 share.
Hervie, James, Jr., $\frac{1}{2}$ share.	Wascoat, Robert, 1 share.
Hervie, John, 1 share.	Wascoat, Stutely, 1 share.
Irish, Levi, 1 share.	Wascoat, Zerobabel, 1 share.
Jeffers, John, $\frac{1}{2}$ share.	Weaver, Silas, 1 share.
Juhan, James, $\frac{1}{2}$ share.	Weedon, James, 1 share.
Knowles, Henry, 1 share.	Wier, Daniel, 1 share.
Lake, Caleb, 1 share.	Wilcocks, Benjamin, 1 share.
Macomber, Ichabod, 1 share.	Wilson, Joseph, $\frac{1}{2}$ share.
Macomber, Stephen, 1 share.	Wood, John, 1 share.
Michenor, Abel, $\frac{1}{2}$ share.	Woodman, John, $\frac{1}{2}$ share.
Mosher, James, 1 share.	Wooley, Amos, $\frac{1}{2}$ share.
Mumford, George, 1 share.	Wooley, Benjamin, $\frac{1}{2}$ share.
Potter, Cornelius, 1 share.	Woolhaber, John, 1 share.
	York, James, $\frac{1}{2}$ share.

From correspondence on the subject between the Government at Halifax and the Lords of Trade we should judge that a majority of the Nova Scotia settlers, both from Rhode Island and Connecticut, received help from the Government in transporting themselves and their belongings to their new homes. In a letter to the Lords of Trade of December 10, 1759, Governor Lawrence states that the expense of transportation of settlers from Connecticut and Rhode Island, with their stock and other effects, and of furnishing them with a quantity of corn, from the 11th of June, 1759, to the end of the winter of 1759-60, will in his



judgment reach the sum of fifteen hundred pounds. In a letter to the same body of the 12th of December, 1760, Lieutenant-Governor Belcher says that the Government had not engaged to give free transportation to any of the grantees except those of Horton, Cornwallis, and Falmouth, but he thinks that other settlers also should have help. Nor did government aid to the settlers stop with transportation. "The only circumstance which we regret in the management of this important business," say the Lords of Trade in a memorial to the King dated December 20, 1759, "is that notwithstanding the uncommon fertility and other peculiar advantages of these Lands, which might be deemed to afford sufficient encouragement to the settlers without incurring any expence to the Publick, we find that Mr. Lawrence has been obliged to consent to pay the charge of transporting the first year's settlers of the three first Townships, and of making them a small allowance of Bread corn. But we are hopeful nevertheless that the Reasons set forth in the said Governor's letter and in the Minutes of the Council (extracts of which we humbly beg leave to annex) may induce your Majesty to approve the conduct of your Governor in consenting to these allowances, rather than risking by too strict an attention to Economy the whole success of a measure which must be productive of the most essential advantages, not only to the Colony of Nova Scotia but to your Majesty's other Colonies on the Continent of North America, and finally to this Kingdom." By a minute of the Nova Scotia Council of October 24, 1760, we find that Mr. Charles Morris had represented to the Council concerning Horton, Cornwallis, and Falmouth, "that it would be of more advantage to those settlements if the species of provisions to be allowed them was altered, and that instead of the whole allowance of Indian corn they should be furnished with a proportion of mackerel and flour. Also that it would be necessary immediately to purchase and send away the same, as the navigation in the Bay of Fundi would soon become dangerous, and the arrival thereof would be thereby rendered very precarious." The Council resolved, the minute adds, "that the proposed alteration should be made, and that the necessary quantity of mackerel and flour should be immediately purchased and sent to those settlements with the ut-



most expedition." On the 11th of October, 1760, Governor Lawrence died, and Chief Justice Jonathan Belcher as president of the Council temporarily assumed the government. Writing to the Lords of Trade on the 12th of December, concerning the new townships in the Province generally, Mr. Belcher says: "Many of the Inhabitants are rich and in good circumstances. About a hundred of them have transported themselves and their effects at their own expense and are very well able to provide for their own support." But of the poorer sort, he declares, "there is provision made for them until the month of next August." "In the engagements entered into for carrying on the settlements," he adds, "no promises were made of transportation or corn to any but the grantees of Horton, Cornwallis, and Falmouth, and although the latter grantees have readily and cheerfully engaged themselves, yet they pleaded much for such encouragements, and have found themselves greatly obstructed for want of these advantages."

Of the character of the New England settlers generally in King's and Hants counties it is impossible to speak in too high praise, and one needs only a slight acquaintance with Rhode Island history to know the unusual prominence and worth of the families from that colony that came to Falmouth and Newport. In the Falmouth grant for example, we find the well known names, Akin, Church, Dimock, Dyer, Green, Harrington, Horswell, Northup, Shaw, Sweet, Wilson, and York; in the Newport grant, Albro, Babcock, Brenton, Card, Church, Dimock, Haliburton, Irish, Mumford, Sanford, Shaw, Stewart, and Wier.<sup>234</sup> In a letter dated June 16, 1760, after describing in much detail the beginning of the settlement of Liverpool, Queen's County, Governor Lawrence says: "I have just received from Mr. Morris, His Majesty's Land Surveyor, who went from Liverpool to Annapolis and Minas with orders to lay out the Townships, very flattering accounts of the families which are come to Horton, Cornwallis, and Falmouth. He speaks of them in general as being substantial, laborious people, adapted entirely to agriculture, and so highly pleased with their present possessions as to

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<sup>234</sup>. Not a few of these families had intermarried in Rhode Island, and continued to intermarry in Nova Scotia.





declare that they think the lands fertile beyond any description which had been given of them." On the 21st of November, Belcher was formally made lieutenant-governor, and for some nine months after this laboured incessantly to develop the new settlements. Writing to the Lords of Trade on the 12th of December, he says: "I have the satisfaction to acquaint your Lordships that the Townships of Horton, Cornwallis, and Falmouth are so well established that everything bears a most hopeful appearance. As soon as these Townships were laid out by the Surveyor, palesaded forts were erected in each of them by order of the late Governor, with room to secure all the inhabitants, who were formed into a militia, to join what troops could be spared to oppose any attempts that might be formed against them by Indian tribes which had not then surrendered, and bodies of the French Inhabitants who were hovering about the Country, the fate of Canada being then undecided. After the necessary business, the proper season coming on, they were employed in gathering hay for winter. One thousand tons were provided for Horton, five hundred for Cornwallis, and six hundred for Falmouth, and about this time they put some root crops into the ground, and began to build their houses."

Of the earliest proprietors' meetings or town meetings of Falmouth the records have fortunately been preserved.<sup>24</sup> The first meeting, as we believe, was held on the 10th of June, 1760, when a committee of three was chosen to manage the town's affairs. The moderator was Shubael Dimock, and the clerk Abner Hall, and the three committeemen chosen were Wignul Cole, Abner Hall, and David Randall. The second meeting was held on the 15th of June, when it was voted that a herdsman be appointed to take care of the horses, neat cattle, sheep, and swine, "and keep said stock off of the land;" and that the owners of stock keep their stock confined in yards every night until the hay was mowed, or failing to do so be liable to pay all damages arising from their neglect. The third meeting was held June 19th, Henry Denny Denson being chosen moderator, and at this meeting a vote was taken to have three men appointed to survey and

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24. These original records were copied by Dr. Thomas B. Akins, and although the original book is lost are still preserved in Falmouth.



oversee the mending and repairing of the dykes. At this and subsequent meetings action was taken to distribute systematically the houses and barns formerly occupied by the Acadians, and to apportion fairly the lumber they had stored up.

The most immediately valuable part of the settlers' grants were the fertile dyked lands but on the third and fourth of November, 1759, a violent storm and extremely high tides had broken the protecting dykes and for the time had completely ruined the crops of hay,<sup>25</sup> consequently the re-building of the dykes was one of the first and most pressing concerns of the settlers. On the 10th of December, 1759, Governor Lawrence wrote to the Lords of Trade that the marsh lands along the Bay of Fundy were all overflowed as the result of the tremendous storm of the preceding month, and that he estimates the expense of repairing and building them, exclusive of the personal labour the intending grantees might put on the work as £250 for Cornwallis, £100 for Minas, and £100 for Falmouth.<sup>26</sup> In repairing the Falmouth dykes, as also those of Horton and Cornwallis, the French who had managed to escape deportation and who were held in more or less close imprisonment at Fort Edward, were largely employed, they being far more proficient in the art of dyke-building than the New England men themselves.

In religion a majority of the Falmouth and Newport settlers were Congregationalists, but a certain number had become in Rhode Island adherents of the Anglican Church. To trace these latter families back to the historic Narragansett and Newport churches, where they had been worshippers would be an interesting task. The Albros, Mumfords, Stuarts, and Wiers, at least, had all been communicants of the Narragansett Church and had been trained in churchmanship by the noted Dr. MacSparran, while the Haliburton family during their residence in Newport had attended Trinity Church. Other families, also in Hants

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25. "Old Parish Burying Ground," p. 51. The dyked lands of the French were limited in extent compared with those at present bearing hay in King's and Hants counties.

26. He estimates the corresponding expense for Granville and Annapolis as £150, and for Truro and Onslow as £150. "Old Parish Burying Ground," pp. 52-54, and Eaton's History of King's County, pp. 184-186. Much concerning the repair of the injured dykes will be found in Lawrence's and Belcher's letters to the Lords of Trade.



County, like the Coles, Congdons, and Sweets, may have been members of the Narragansett Church.

The first public religious services in Hants County after the settlers came were held by Anglican clergymen. In the autumn of 1760, Rev. Dr. Breynton of Halifax visited East and West Falmouth, Horton, and Cornwallis,<sup>27</sup> at all which places he preached to numerous congregations, and though he found the inhabitants "mostly dissenters" yet he was cordially received and requested to come again. In the year 1762 both he and his colleague, the Rev. Thomas Wood, repeatedly visited the new settlements, and in November of the same year, the Rev. Joseph Bennett was placed by the Venerable Society as missionary in the large King's County field.<sup>27½</sup> In 1775 the Rev. William Ellis succeeded Mr. Bennett, and as missionary to the whole county continued until 1782, when the mission was divided. In that year the Rev. John Wiswall was placed in Horton and Cornwallis, while Mr. Ellis was given pastoral charge of Falmouth, Newport, and Windsor. Notwithstanding the strength of Congregationalism in Falmouth and Newport, there was no organized Congregational Church in either township in 1770, and though a certain number of the Newport settlers had become Baptists before their migration from Rhode Island, no Baptist Church was founded in Newport until 1799. In a letter to the S. P. G. from Fort Edward, dated January 4, 1763, the Rev. Mr. Bennett says that he has then been settled in King's County six weeks and by residing there has prevented the inhabitants of the several townships sending to New England for "dissenting" ministers. He hopes in time to be able to reconcile the people generally to the Church of England. In Horton, he writes, there are 670 persons, of whom 375 are children, in Cornwallis 518, of whom 319 are children, in Falmouth 278, of whom 146 are children, and in Newport 251, of whom 111 are children.

In the township of Newport, at least two large estates were early acquired that greatly overshadowed in importance any of the land holdings of the Rhode Island grantees. These were the

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<sup>27</sup> Dr. Breynton in his report of this to the S. P. G. says nothing about Newport.

<sup>27½</sup> Reports of the S. P. G. for 1760-1763. See also Eaton's History of King's County, pp. 241-245.





estates known as "Mantua" and "Winckworth," the former owned and improved by Dr. George Day, the latter by Colonel Winckworth Tonge. Dr. George Day had been a surgeon in the Royal Navy, and was possibly among the settlers that came with Cornwallis to Halifax in 1749. At what time he settled in Newport is uncertain, but it is said that he was living there, engaged in farming and in a schooner trade with other places, as early as 1759. His house, indeed, it is affirmed, strongly-built and fortified and of good colonial architecture, was erected in 1758. The earliest record we have, however, of a grant to him was August 29, 1760, when in conjunction with Major George Scott and others he received land in Newport on the north side of the St. Croix river, the major part of which, on the Windsor side, "coincides with that of the Tonge estate, as ordinarily known, but includes a large stretch in the rear."<sup>28</sup> Very early in his residence in Newport Dr. Day began to build schooners for trade with Maritime-Provincial ports and with Boston, his enterprise later leading him to construct larger vessels for ocean trade. In the early part of the War of the Revolution he had a contract to supply the British troops in that town with hay, which commodity he shipped in vessels from Miller's Creek on the St. Croix river and possibly other points.<sup>28½</sup> After the siege of Boston he still continued to trade with the New England capital, and sometime in 1777 he himself started in one of his vessels with a cargo of hay for that market. When his vessel neared the Massachusetts coast, she was struck by lightning and burned, and he and all his crew perished.

Whom Dr. Day first married, and whether his wife was living when he came to Nova Scotia we do not know, but he had by her a son, John Day, who in 1760 was a young man grown. Dr. Day's second wife was Henrietta Maria Cotnam, a sister of Mrs. George Scott and Mrs. Winckworth Tonge, and by her he had a daughter, Margaret Bunbury, who became the wife of John Irish, son of Levi Irish, one of the Rhode Island grantees of

<sup>28</sup>. This description has been given the writer by Dr. David Allison, the well known educator and writer.

<sup>28½</sup> Dr. Allison says: "Between Mantua and the settlement of the New England people was a stretch of land called Miller's Creek, bounded easterly by Mantua and westwardly by the land granted the Rhode Islanders."



Newport. This second Mrs. Day, after her husband's death lived probably with her step-son; she died in Newport, January 20, 1838, in her 92d year, the newspaper notice of her death describing her as "a lady whose amiable qualities endeared her to all her acquaintance." John Day, son of Dr. George Day, became an M. P. P. for Newport, and like his father a generally prominent man.<sup>29</sup>

Colonel Winckworth Tonge appears in the British army lists as having been commissioned lieutenant of the 45th regiment (Colonel, afterward Lieut.-General, Hugh Warburton commanding) April 8, 1755. In this year he was in command of the engineering party that assisted in the capture of Fort Beauséjour, and in or after 1758, like Major Charles Lawrence, who became governor of Nova Scotia, he was probably in service at the garrison of Louisburg. His colonelcy he received at some later date in the Nova Scotia militia. His epitaph in St. Paul's burying-ground, Halifax, describes him as "naval officer, M. P. P., colonel in the militia, justice of the court of common pleas for the county of Hants," and says that he was born the 4th of February, 1728, in the county of Wexford, Ireland, and died February 2d, 1792. After the capture of Beauséjour Col. Tonge received a grant in Cumberland County, stretching southwardly from the glacis of the fort to the Missiquash river.<sup>29½</sup> This Cumberland grant included Tonge's Island, on which Col. Tonge is said to have planted the cannon at the siege of the fort.

It is probable that Col. Tonge got his first foothold in Hants County on the 2nd of June, 1759, when as we have seen, he and George and Henry Scott received 2,500 acres at "Five Houses, St. Croix, Pisiquid." On the 27th of July of the same year he and William and George Tonge received 1,500 acres at "St. Croix, Pisiquid," and from his part of these grants Winckworth Tonge created his estate, Winckworth (of late years incorrectly called

<sup>29</sup>. Dr. David Allison was brought up in the house built by Dr. Day on his Mantua estate, and to him we are indebted for much of the information we possess about Newport, and concerning the Day and Tonge families. Two hundred acres of Mantua are now owned by a family named Mounce. West and south of Mantua lay the large Tonge estate, comprising Winckworth, Macclesfield, Martha, etc., etc.

<sup>29½</sup>. This land was purchased from the Tonge estate, probably in 1789, by Titus W. Knapp, a Loyalist merchant who did a large business at Fort Cumberland, one of the Wiers, it is said, acting as his attorney in the purchase.



"Wentworth"), which lay south of the St. Croix and extended for three or three and a half miles eastward from the present town of Windsor.<sup>29</sup> On the 20th of May, 1760, he received a further grant of 1,500 acres in Falmouth, but what disposition he may have made of this grant we have not inquired.

An advertisement of the various properties of Col. Tonge in 1789, preserved in the archives at Halifax includes his estate Winckworth, "in Windsor," 2,000 acres; Macclesfield, in Newport, 600 acres; Martha's farm in Newport, 600 acres; also a tract in Newport township, 1,500 acres; wood lots, 600 acres "on the road from Newport to Halifax, main road, 515 acres at junction of those roads;" 400 acres on Ardoise Hill on the main road to Halifax; 400 acres one mile north of river Kennetcook; and a farm in Westmoreland, New Brunswick, on gently rising ground in the midst of extensive marsh, called Tonge's Island, 130 acres. At the sale of these properties "Winckworth" in Newport was purchased by Hon. Alexander Brymer, a member of the Council, for £2,475. 17. 11¾. A certain portion of the Tonge property in Hants County, but just what part we are not informed, came much later than this into the hands of Perez Morton Cunningham, barrister of Windsor, who was born in 1812.

Colonel Tonge married, perhaps as his second wife,<sup>30</sup> Martha

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<sup>29</sup>4. Dr. David Allison writes: "Colonel Tonge was appointed in 1760 or thereabouts to lay off the Rhode Island settlers' lots in Newport, opposite the southern boundary, the St. Croix river." Of a plan he has roughly sketched of part of Newport, Dr. Allison says: "You will see on this plan a large ungranted lot between the Shaw lot and the Mantua place, which latter antedates the township of Newport two years at least. Long ago on looking at the original plan of Newport in the Record Office I noticed that the Mantua property seemed entirely too long, i. e. stretched down the St. Croix river some mile or so further than it should. This puzzled me. Then, later, I heard that Col. Tonge had failed to lay off the land on the river to its full extent, i. e. to the western boundary, and had kept the intervening territory for himself. The Colonel got into financial difficulties towards the end of his life and advertised for sale all of his properties. He offers his Winckworth estate, his Fort Cumberland property, sundry wood lots, and noticeably the two farms of 600 acres each, called Macclesfield and Martha, situated in the township of Newport, just opposite (across the St. Croix) the home estate previously mentioned. At present the whole region covered by these two farms is known as 'Miller's Creek.' When offered for sale in 1789 'Macclesfield' and 'Martha' had each of them a house and barn." The Miller family came from Ireland with Alexander McNutt, and two sons of the original settler became, as did several other Irishmen of this migration, tenant farmers on Tonge's estate. The Rhode Island element has within the present half century largely encroached on 'Martha' and 'Macclesfield.' The Greeno family got a small slice of Macclesfield from Tonge himself. In early days Greeno's, at the ferry, was the Newport tavern.

<sup>30</sup>. If he had a first wife we do not know who she was. In 1820 Mrs. Martha Tonge was granted an allowance of £80 a year by H. M. home government







Cottnam, a daughter, we suppose, of George Cottnam, and sister of Henrietta Maria Cottnam, wife of Dr. George Day of Mantua, and Mary Cottnam, wife of Major or Colonel George Scott. He had children recorded in Windsor: William Cottnam, born April 29, 1764; Winckworth, Jr., born October 11, 1765; Caleb, born November 21, 1767; and William Sheriffe, born December 21, 1772.<sup>31</sup> Of these, William Cottnam (born in 1764) was appointed naval officer by His Majesty's mandamus, probably before June 14, 1786. Later he became prominent as a representative in the legislature and was "noted for his eloquence and popularity." In 1805 he was elected Speaker of the House. Later still, it is believed, he went with Sir George Prevost to the West Indies and then to Demerara, where he was appointed secretary, and remained until his death. Miss Gertrude E. Tonge "of Windsor," a poetess, whose death at Demerara was noticed in the *Acadian Recorder* (Halifax) of March 5th and 9th, and apparently July 16th, 1825, was probably his daughter. Dr. Hind says that his son, Winckworth, 3d, was buried in Windsor in 1799, and his wife in 1805.<sup>32</sup>

Winckworth Tonge, Jr. (born in 1765) was the "Winckworth Tonge, Esq., deputy judge advocate general at Jamaica, son of the late Col. Tonge of Windsor," who died at Jamaica, W. I., in 1820.

George Scott, who with Henry Scott and Winckworth Tonge participated in the grant of 2,500 acres at Five Houses, St. Croix, Pisiquid, June 2, 1759, may have been the George Scott who was commissioned captain of the 40th regiment, June 28, 1751, and it would seem somewhat probable that he was the same George Scott to whom Governor Shirley gave command of one of the battalions of the regiment formed by Lieutenant-Colonel John Winslow in Massachusetts for the subjugation of Fort Beauséjour in 1755. Doubt on this last point, however, must be felt from the fact that Shirley would be much more likely to give military command to a New England man than to a British

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31. Who the William and George Tonge were who shared in the grant at St. Croix, June 2, 1759, we do not know. Nor do we know who the Henry Scott was who shared in that grant. In 1781 the small cutter *Jack*, six guns, was commanded by R. P. Tonge, but who R. P. Tonge was we do not know.

32. "Old Parish Burying Ground," p. 12.





THOMAS CHANDLER HALIBURTON



born man, as we suppose the Captain George Scott of the 40th regiment to have been, and from the fact that the George Scott of Beauséjour is commonly called lieutenant-colonel.<sup>33</sup> The George Scott who was active in the taking of Beauséjour did valiant service also at the second capture of Louisburg, in 1758. "The boat of *Major* Scott, who commanded the light infantry and rangers," says Parkman describing this siege of Louisburg, "next came up and was stove in an instant; but Scott gained the shore, climbed the crags, and found himself with ten men in front of some seventy French and Indians. Half his followers were killed and wounded, and three bullets were shot through his clothes; but with admirable gallantry he held his ground till others came to his aid." Side by side with him in this action was the famous General Wolfe.

The George Scott who received the grant in Hants County in 1759 is said also to have received an immense grant in Halifax County, near Bedford Basin, the tract including the whole of Sackville township. He married, but at what time we do not know, Mary Cottnam, a sister of Mrs. Winckworth Tonge and the second Mrs. George Day. Who Henry Scott who also participated in the grant of 1759 was, we do not know.

The most famous native of Hants County, a man born in Windsor, but whose New England born grandfather settled in Newport, was Judge Thomas Chandler Haliburton, the eminent Nova Scotia statesman, jurist, and wit. Judge Haliburton is known in literature as the pioneer American humourist, his "*Sam Slick*," the Yankee clockmaker, being a noted creation of some three-quarters of a century ago, whose quaint humour and shrewd reflections on the rural populations of New England and Nova Scotia, and whose characteristic dialect furnished great amusement to our grandparents in their day.<sup>34</sup> Judge Halibur-

33. See "Winslow's Journal," and Parkman's "Montcalm and Wolfe," Vol. 1, pp. 246, 249-253; Vol. 2, p. 60.

34. "*Sam Slick, the Clock Maker*," was a clever satire on both the pre-Revolutionary Nova Scotian Yankee and the pre-Revolutionary New England Yankee. It is said that the definite original of Sam Slick was a tin peddler, who died perhaps twenty years ago in Calais, Maine. In any case, the New England peddler was a well known character in the British maritime provinces for many years, and Judge Haliburton, at his home in Windsor, and in Annapolis Royal, where he practised law for some years, but more especially in his travels on circuit as a judge, had an excellent chance to become intimately acquainted with him and to know his peculiarities well.





ton's grandfather, William Haliburton, was born in Boston, April 16, 1739, and baptized in King's Chapel parish, May 20th, ~~of the same year~~. He married, April 9, 1761, his first cousin, Susanna Otis, daughter of Dr. Ephraim and Rachel (Hersey) Otis of Scituate, Massachusetts, and came probably by way of Newport, Rhode Island, where his mother had for some years previously lived, to Newport, Nova Scotia, in 1760. His parents were Andrew Haliburton of Boston and his second wife, Abigail Otis, his mother, however, at the time of the migration to Nova Scotia being the second wife of Dr. Edward Ellis. William and Susanna Haliburton had in all seven children, the third of whom, William Hersey Otis, born September 3, 1767, was the father of Judge Thomas Chandler Haliburton and grandfather of the Judge's son, Arthur Lawrence, Lord Haliburton, who was raised to the peerage of the United Kingdom in 1898, and died in 1907. Lord Haliburton was made a C. B. in 1880, K. C. B. (civil) in 1885, G. C. B. (civil) in 1897. He married in 1877 Mariana Emily, daughter of Leo Schuster, Esq., and widow of Sir William Dickason Clay, Bart.

The mother of William Haliburton, as we have said, became the second wife of Edward Ellis, M. D., of Boston, who served as surgeon-general at the first siege of Louisburg, in 1745. Dr. Ellis and his wife also settled in Newport, Nova Scotia, whither they came, as we have intimated, from Newport, Rhode Island. Like his step-son's, Dr. Ellis's grant comprised 500 acres. By his first wife, Mary (Willard) Cuyler, Dr. Ellis had three daughters: Maria, who became the wife of Capt.-Lieut. Edmund Watmough, who obtained a grant of 500 acres in Falmouth; Sarah, who became the second wife of Mr. Isaac Deschamps; Elizabeth, who was married to a Captain Peter Jacob Dordin. By his second wife, Mrs. Haliburton, he had no children. Dr. Ellis died at Amsterdam, Holland, about 1769. His wife died, we presume in Newport, not long before this date. William Haliburton did not remain long on his Newport farm, his tastes were intellectual, and he soon removed from Newport to Windsor and in the latter place began the study of law. After being admitted to the Bar he practiced in Windsor during the rest of his life.

Gilbert Stewart or Stuart, a Scotsman who had come out to





GILBERT CHARLES STUART



North Kingstown (Wickford), Rhode Island, between 1746 and 1750, to grind snuff for Dr. Thomas Moffat, a Scotch physician who had earlier emigrated and who desired to set up a snuff mill in the Narragansett country, was another of the Rhode Island emigrants to Nova Scotia. On the 23d of May, 1751, Stuart had married in Newport, Rhode Island, Elizabeth Anthony, daughter of Albro Anthony and his wife Susanna (Heffernan), and between 1752 and 1756 had three children born: James, baptized September 1, 1752, at five months old; Ann, born November 18, 1753, baptized April 18, 1754; and Gilbert, Jr., the eminent painter, born December 3, 1755, baptized April 11, 1756. Of these children, James died young; Ann came with her mother to Nova Scotia, and about 1786 was married in Halifax, as second wife, to Hon. Henry Newton, whose first wife had been Charlotte, daughter of Hon. Benjamin Green; and Gilbert, Jr., as we have said, became the famous portrait painter, worthy successor of his master and teacher, the noted Benjamin West. Although he received a grant in Newport in 1761, for some reason Gilbert Stuart, the father, did not come to Nova Scotia until 1775, then, because he found it impossible, as the records say, to maintain his family in Rhode Island, he followed his friends the Wiers and others to Newport and there we suppose began to farm. In 1776 Mrs. Stuart and her daughter Ann followed; but the year previous young Gilbert Stuart had gone to England to study and so far as we know he was never in Nova Scotia after his parents came to the province, although while the Duke of Kent was at Halifax the Hon. Henry Newton proposed to him that he should come to the Nova Scotia capital and paint his Royal Highness, the prince having offered to send a war ship for him to England or Ireland if he would come. The elder Gilbert Stuart died in Halifax in 1793, his widow then returning to Boston to live with her son, Gilbert, who meantime had returned to America. Mrs. Stuart died either in Roxbury in 1812 or in Boston in 1816. A son, Gilbert Stuart Newton, of Hon. Henry and Ann Stuart Newton, also became a painter of considerable note. He was baptized in Halifax September 20, 1794, went early to England to study, there became a royal academician, and died in Wimbledon, August 5, 1832.





One of the best known families in Hants County has been the Wier family, leading members of which held influential positions in Halifax city, also, for many years. Daniel Wier, the founder of the family in Newport, in early life removed, perhaps from Boston (although of his birthplace we are not certain), to Narragansett, and on the 7th of April, 1744, married at the house of her parents, the Rev. Dr. MacSparran officiating, Phebe Mumford, daughter of Mr. Benjamin Mumford, a very prominent member of St. Paul's Church in North Kingstown. In 1752 and 1753 he acted as precentor or parish clerk, and until his removal to Nova Scotia in, we suppose, 1760, maintained his connection with the parish. The part of Newport where Mr. Wier received his grant was what is known as Scotch Village. It is on the southern side of the Kennetcook river, and includes what is known as "Marsters' hill." The estate, in whole or in part, was owned and occupied by members of the Wier family until 1845, when Benjamin and Joseph Wier of Halifax, Daniel's great-grandsons, sold it to some other family.

Before they left Rhode Island the Wiers had seven children born, John, Benjamin, William, James, Ann, James, and Phebe; after they came to Nova Scotia they had a son, Samuel, born. The founder of the Mumford family in Hants County was George Mumford, a brother-in-law of Daniel Wier, who probably came with his family at the same time as the Wiers. The baptism of George Mumford, December 9, 1730, will be found recorded in the register of the Narragansett Church, but who he married or how many children he had we do not know. An interesting fact in connection with the history of the Wier family is that Mrs. Phebe (Mumford) Wier was baptized in St. Paul's Church, North Kingstown, at the same time as Gilbert Stuart the painter, the date being Palm Sunday, April 11, 1756, and that the sponsors at Stuart's baptism were Phebe Mumford's parents, Benjamin and Hannah (or Ann) Mumford, who also acted as sponsors, with the child's aunt, Ann Mumford, for their own child.

A family very widely known and highly respected throughout Nova Scotia was that branch of the Allison family settled in Newport. The Allisons came in 1769 from Drumnaha, near Lim-



avady, County Londonderry, Ireland, and settled in Horton, but John Allison, born in Ireland in 1753, with his wife, Nancy Whidden, whom he had married in Horton or Cornwallis, in 1804, removed to Newport, of which town he became an important resident. His son, James Whidden, born in Horton December 1, 1795, married in Hants County in July, 1821, Margaret, daughter of Matthew and — (Jenkins) Elder, and had seven children. He was one of the leading magistrates of Newport, and for five years represented the town in the legislature. Of his children, Rev. David Allison, LL.D., has been the most noted. An eminent scholar and educator, he has held the distinguished positions of president of Mount Allison University at Sackville, New Brunswick, and Superintendent of Education for Nova Scotia, and in the field of local historical writing he has done and is doing important work.

*(To be continued.)*



# “For Conscience Sake”

BY CORNELIA MITCHELL PARSONS

## CHAPTER VIII

### GOVERNOR WINTHROP ARRIVES

“She was like a summer rose, making everything and everybody glad about her.”  
—J. HOPKINSON SMITH.

“ANNETZE, fetch me my hood, lined with crimson, please.”

It was Mistress Frances who spoke, and the buxom Annetze hurried away to do her bidding. Mistress Frances had a basket on her arm, and was about to gather flowers and feathered grasses which come in the late Autumn. The world was very fair; the air frosty, and the ground covered with a carpet of yellow and crimson leaves, with a touch here and there of brown. The birds were singing, and the chipmunks at work collecting their winter's store of nuts. The waters of the distant bay sparkled in the sunlight.

“How beautiful it all is,” Frances murmured to herself. “So beautiful that I would have it last forever.” A voice at her elbow startled her. It was not Annetze with her hood, but their guest, Governor John Winthrop.

“The top of the morning to you, Mistress Frances, the birds would not let me sleep, and seeing you, fair lady, I thought I might perchance join you, with your permission.” And the gallant old gentleman laid his hand on his heart.

“Methinks, sir, it will give me pleasure, I am honored indeed.”

“You are an early bird, Mistress Frances.”

“Yea, in truth, but the early bird catches the worm.” She blushed.





"Most uncomplimentary to me; I have been called by many names, forsooth, but the last mentioned hath been omitted."

"I pray your pardon, Sir, it was a slip of the tongue. I meant naught of impertinence. Found you rest, Sir, after the long wearisome journey?"

"Yes; 'so ever giveth He His beloved sleep,' and though it may seem presumptuous, we are His beloved, and He is our Father. Ah, Mistress Frances, are you one of the Anabaptists, believing that Abraham's children should have been baptized?"

"I am one of the number, good Sir; we here in New Amsterdam enjoy liberty in our religious life, which was not possible elsewhere."

"We must not become entangled in controversy," Governor Winthrop continued, "we have escaped the tyranny of King Charles, and the popery of Laud. That is why we have come to a new country to be free."

"And yet, Sir, there is no freedom to be found in many places on this soil; only contentions and bitter altercations."

"Let us not talk further on this matter, for we cannot be agreed and Nature calleth us to rejoice with her on this morn. What news have you from Old England's shores?"

As if in answer to the question, Lady Deborah Moody stood before him. "You see, dear friend, I can also be an early bird, and I hope you slept well in our homey abode?"

"I slept most excellently. Lady Moody, I have many a time desired to talk with you concerning the money (part of my son's marriage portion) left in your hands as a trust. I have had of late a letter from my wife's step-mother, Mistress Priscilla Paynter. I think there were about forty pounds. These days when the post is so uncertain, I thought it best to come on purpose, that there might be no misunderstanding in the matter."

"Yes, there are forty pounds to be paid over. I hope I have proved a good steward of the money. After breakfast we will examine more closely the parchment. My friends in Old England seem to place implicit trust in my honesty."

"Strange, that such should be the case!"

"I hear Thomas Paynter, your wife's kinsman, was whipped, because he was unable to pay the fine imposed on him for not



suffering his child to be baptized. Mistress Winthrop must have felt deeply grieved."

"She was grieved," he answered, "but wrong must be punished."

"Wrong," muttered Lady Moody.

"In these days, there are few to be trusted; few trusted friends; but you, dear Lady Moody, are one of them."

After a substantial breakfast in the living-room the Governor had many things to discuss with Lady Moody, for he must start on his return journey the next morning. Frances, seeing that they were matters of a private nature, started out to try and find the maid Annetze, who had promised to help her in the dairy; as to the making and turning of sour milk for cottage cheese and curds, in which the Dutch were well versed.

Many matters were talked over during the remaining hours of the morning and the afternoon. In fact the most interesting conversation was continued until late in the evening.

When Lady Moody, the Governor and Sir Henry were left alone, silence was broken by Lady Deborah. "I have many things to ask your Excellency in regard to my ward, Frances. You are helping me to keep my secret."

"Thinketh she her name to be St. John?"

"Yes, truly, but she is such a joy child, so fond of nature and the beautiful things in life, that I would never distress her. Frances indeed feeleth that she is my child, yet she knoweth that she is that of a dear friend. The rest remaineth secret. It is my desire, that she marry my only son and heir, Sir Henry. He will be a protector, as well as lover, here in this new land. The two have many things in common. You do not object, my son, to our good friend knowing your desire? John Winthrop can keep a secret, for I have tested him these many years."

"No, indeed, Mother, I would desire his good counsel."

"You have, now, Lady Deborah, given up all idea, I judge, of returning to Massachusetts Bay Colony?"

"At first I thought heartily of so doing, but I have learned to love my new home. His Excellency, the Governor, hath made it easy for me to remain. The land hath been deeded; all has



been settled but the Indian question. They continue to molest us, reminding one of hornets stinging when they can."

"At least according to the reports that have come to my ears, you have your troubles in truth. Megapolensis and Drosius in their addresses to the Classes of Amsterdam make mention that the people of Gravesend are Mennonites. That they reject Infant Baptism, the keeping of the Sabbath, the office of Preacher and Teacher of God's Word, and that through these things come contention into the world."

"I am overwhelmed; but, my dear Governor, do take breath before you continue. That is why I came to the Dutch Province; we are allowed freedom of worship even though they smite and call us Mennonites. The question now in Boston town, I hear (and she looked slyly at Governor Winthrop) is it the duty of women to veil themselves on going abroad?"

"Minister Cotton thinks it is, but Endicott and Roger Williams say no. The thing is of grave moment."

"The longer I dwell in this wicked world, I believe in no visible Church, nor any hireling minister. The Quakers and we Anabaptists are agreed as to the latter. Poor Mary Dyer, she, like her Master, hath found no spot whereon to lay her head. Naught but persecutions—even witchcraft and the trial of poor John Burroughs. This is the age of controversy. What right have you to take the life He hath given, because, perchance, these people think in different way? 'Judge not, that ye be not judged.'"

"Let us not excite ourselves. The hour groweth late. We must however, decide as to the measures we must take as regards poor Mistress Anne Hutchinson's child. I was never the Mother's friend; her extreme views were distasteful to me."

"Say not poor Anne Hutchinson; she hath at least escaped the persecution of her own people."

"I will do what I can for her child. I have made ready a goodly sum of money for Annhook, the Indian Chief, who, though the Mother's murderer, claims the ransom."

"Perchance Minatonka may be of help in reaching the child. Before we retire for the night, good friend, let me say a parting word. John Winthrop, do not persecute; do not kill for right-





eousness' sake. 'The Lord that sitteth in the heavens shall laugh: the Lord shall hold them in derision.' "

With these words she left the room.

## CHAPTER IX

### THE GOVERNOR AND MRS. STUYVESANT ARRIVE

"Regrets which are not thrust  
Upon thee, seek not; for this sobbing breeze  
Will but unman thee: thou art bold; trust  
Thy woe-worn thoughts among these roaring trees,  
And gleams of bygone playgrounds—is't no crime  
To rush by night into the arms of Time?"

—CHARLES TURNER.

For several days an Indian girl had been seen hovering near by some of the servants, who were always suspicious when the red men were abroad.

"I am scenting danger," Dawkins said to her young Mistress Frances, as, one evening, she brushed her long, beautiful hair.

"Do my locks suggest our Indian friends and the tomahawk?"

"God forbid, Mistress; may such a fate never fall to you."

"Report makes the crows blacker than they are, Dawkins. Minatonka, the Indian maid, and her people, are not allowed to visit the Dutch settlements, and the Dutch are to keep away from the Indian Villages. This is the new law. I hear the ransom for Mistress Hutchinson's daughter is to be paid shortly. They say the child hath even forgotten her native tongue, and wisheth not to return to civilization. The red men, now her friends, have made the child think that the English and Dutch only are cruel."

"Strange, Mistress, that she should in so few years, be changed for the worst. Poor little maid."

"The Indian maid hath promised to use her influence to make the tribe give their captive up, but we must wait and see. I would they hated our town quite as much as they feared Underhill, then would we escape robbery and death. Dawkins, think of His Excellency the Governor and Mrs. Stuyvesant travelling all the distance from their country place in New Amsterdam\* to Gravesend.

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\*Now Thirteenth Street.



"Never did I see the like of the cleaning and scrubbing and preparations for His Excellency the Governor. Annetze has been polishing up the pewter and silver until her hands ache, and the guest chamber is as fresh and fine as one of the chambers at Garesden. My Lady hath given orders that the furniture is to be repolished, though it was only polished last week. Such a fuss for His Excellency and Lady."

"At what time are they to arrive, Dawkins?"

"Before early candle-light, while the roads are safe."

"The Governor hath not too many friends, here in Gravesend, for the English inhabitants are sore against him, as he hath removed from office Master George Baxter and Master Hubbard."

"My good man told me he thought they had proved quite a handful for the Governor, for they hate the Dutch government, and all things connected therewith. They like not the keeping of New Year's Day, and we would have our own good St. George instead of St. Nicholas, their patron saint. Hark, that is my Lady's bell. I must go."

Frances, when left alone to her meditations, floated away into lover's land, dreaming of all the happiness in store for Sir Henry and herself. She was suddenly brought back to the stern realities of life by a knock on the door. It was Lady Moody. She came to see if Frances was dressed, and in readiness to receive their guests.

"Are you not ready, Frances child?"

"No, Mother." She called her "Mother" now, because it seemed to please Lady Moody, and she really would be her Mother some day. "I have been foolishly dreaming, probably dozing a bit, and your knock must have roused me. Worry not, I will be dressed in a short time."

It was not long before the neighing of horses was heard and a great noise of rolling wheels. Frances hurried down, and was just in time to stand with Lady Moody in the half-opened door, and welcome the guests. The servants and Sir Henry were helping Governor Stuyvesant and his Lady to alight. He was of a dark complexion; a close cap covering his black hair, and he wore slight mustachios. A wide, drooping shirt-collar fell over a velvet jacket with slashed sleeves, showing underneath full, white



puffed shirt sleeves; slashed hose, very full and fastened at the knee by a knot or rosette, and low shoes, with buckles. As he bore a wooden leg, his movements were often slow. But when excited in conversation the leg was very useful as he often brought it down with great force to emphasize some point. The Governor's Lady, Mistress Stuyvesant, was most attractive in appearance. She was Judith Bayard, a daughter of the celebrated Paris Divine. And as Mistress Anna Stuyvesant, the Governor's sister, had married her brother, there was really a double marriage connection. After the welcome greetings and all travel stains were removed, supper was announced.

The Governor told Lady Moody of his expected departure on Christmas Eve, when he would sail on the steamship *Abraham Sacrifice* for the Island of Barbadoes. Before he left, there was to be a great feast, when the seal of Amsterdam was to be given to New Amsterdam. Lady Moody and her son were ever good friends of His Excellency, and loved to tease him about many of the quaint Dutch customs. The trouble of Ensign George Baxter was also discussed, as well as the restlessness of the English settlers.

"We have in truth received much kindness at the hands of Your Honor, and the West India Company, and would not be ungrateful for all the tolerance shown us," said Lady Moody. "Believe me, I do my uttermost to influence my English friends, who are daily becoming more estranged from me."

"Of that I am sure, Lady Moody. You are a woman of honor. A woman whose word is like gold, and I am proud and grateful to have such a friend at court. You will in the future, far distant I hope, when stormy winds blow, when war clouds hover over the colonists, be my friend. I trust and thank you."

Lady Moody modestly bowed her head. Sir Henry, who had stood a silent witness, expressed himself as being in accord with his Mother, in all her wishes; giving the Governor his hand, he said, "Your Excellency can depend upon us, but we stand almost alone in this small community."

Frances, seeing that grave things were being discussed, excused herself at an early hour, and was just escaping to her chamber, when Sir Henry barred her way.





"You will give me a special 'good-night,' dear little Frances? I have seen nothing of you all day, and the hours pass far too slowly."

Frances blushed, and looked poutingly up into his clear eyes. "You are of a truth always busy, and have no time for me, it seemeth."

"Fie, dear heart, I would not have you speak thus. On the morrow we must plan something pleasing. I have much to talk over with you, so many plans. Good-night, sweet dreams." And drawing the girl to him, he pressed a kiss upon her lips. "I never knew how dear you are to me, Frances."

"Am I truly dear to you?"

His answer was a close embrace. Frances laughingly tore herself away and Sir Henry reluctantly returned to his Mother and her guests.



# History of the Mormon Church

By BRIGHAM H. ROBERTS, Assistant Historian of the Church

## CHAPTER CXIV

MISCELLANEOUS EVENTS 1872-77. DEVELOPMENT OF AUXILIARY  
ORGANIZATIONS—THE “UNITED ORDER” MOVEMENT—ADVENT  
OF SECTARIAN MISSIONS AND CHURCHES—THE CLOSING  
YEARS OF BRIGHAM YOUNG’S LIFE — NOTED UTAH  
VISITORS — DEATH — LIFE’S ACHIEVEMENTS  
AND PLACE IN HISTORY OF BRIGHAM YOUNG

**T**O the period now under consideration belongs the marked development of the auxiliary organizations of the Church, the formation of the Young Men’s associations. Long before this Sunday Schools had been established. The first by Elder Richard Ballantyne, on Sunday, 9th of December, 1849, in Salt Lake City. The children of some of the leading families of the Church attended this school. During the first year the school numbered about fifty members. This led to the establishment of other Sunday schools, though for some years the work was carried on by individual efforts of those who felt a personal interest in the children of the Church. In 1866 Geo. Q. Cannon became intensely interested in the Sunday School work, his observations and experiences while on foreign missions impressing him with the importance of rearing the youth of the Church in a firm belief in the faith of their fathers. The Sunday School presented the most efficient means of accomplishing this purpose, and to that organization he began devoting his attention. On the 1st of January, 1866, the first number of the *Juvenile Instructor* was issued, a magazine designed to educate the



rising generation of the Latter-day Saints, and to give support to the Sunday School movement.<sup>33</sup>

In the 15th of April number of the *Juvenile*, 1866, a letter appeared written by Wm. H. Sherman,<sup>34</sup> urging the organization of a Sunday School Union, to give organic uniformity to this movement and greater efficiency that could only come from such a central body. At the following October Conference of the Church some attention was given to Sunday School work and the necessity of a central organization to direct its course. On November the 4th, such an organization was effected, of which Geo. Q. Cannon was chosen president, Edward L. Sloan was chosen secretary and George Goddard and Robert L. Campbell, corresponding secretaries. A committee of three was chosen to decide upon suitable books for Sunday School libraries. This organization for several years bore the name of the "Parent Sunday School Union." In 1872 the central organization took the name by which it has ever since been known—"The Deseret Sunday School Union." That year it increased its efficiency by more frequent meetings and greater earnestness on the part of its officers and members. The Union held its first great celebration on the 24th of July, 1874—Pioneer Day—in Salt Lake City, at which there were present between eight and ten thousand teachers and children enthusiastic in the work. Thenceforward the Sunday School work under the direction

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33. Too much in praise of this magazine cannot be said. It is worthy of the following notice of it by Mr. Edward W. Tullidge in his *History of Salt Lake City*: "The special design of this magazine was to educate the rising generation of the Mormon people, and to secure select readings for the homes, adapted to both parents and children. In this special mission, the *Juvenile Instructor* has been a power in every city and hamlet throughout Utah. Its class of literature for variety, instruction and entertainment, and also in the quality of its subjects, entitles the *Juvenile Instructor* to a first rank among church magazines. In many respects it resembles the once famous "Cassell's Paper," started in London nearly forty years ago, for the purpose of educating the English homes, and whose mission was of a semi-religious order. The volumes of the *Juvenile Instructor* are not only copiously illustrated with wood cuts to accompany their subjects, but it frequently publishes original music from Utah composers. Indeed, though others of our home magazines have appeared with a few sheets of music type-setting, to the *Juvenile* office belongs the honor of sustaining a semi-musical magazine." (Appendix to the History above mentioned, p. 11). The *Juvenile* still continues to fulfill its high duty of instructing the children of the Latter-day Saints, and maintaining the interests of the superb institution of which it is the organ—the Sunday Schools of the Church of the Latter-day Saints.

34. This Mr. Sherman is the one who afterwards became identified with the "Godbeite" or "New Movement" of a few years later, but in the advancing years of his life he returned to full fellowship in the Church.





of the Deseret Sunday School Union, has proven itself to be one of the mightiest moral and spiritual forces in the Church of the Latter-day Saints.<sup>35</sup>

For some time previous to the 10th day of June, 1875, which marks the formal beginning of the organization of the Young Men's Mutual Improvement associations, there had existed "literary societies," "debating clubs," "young men's clubs," etc.; but these, while indicating a general desire for literary, social, and, in some instances, spiritual advancement were but the outgrowth of individual efforts in widely separated settlements and without any unity of purpose or similarity of organic structure. Such were the general conditions among the young men respecting such matters, when about the first of June, 1875, President Brigham Young called to him Elder Junius F. Wells, son of his second counselor, Daniel H. Wells, a youth then but twenty years of age, recently returned from a mission in England, and informed him that it was his desire that the young men of Israel should be organized into associations for self, and mutual, improvement.<sup>36</sup> As the keynote of the movement, the following was given to Elder Junius Wells and those associated with him by President Young:

"We want you to organize yourselves into associations for mutual improvement. Let the keynote of your work be the establishment in the youth of individual testimony of the truth and magnitude of the great latter-day work; the development of the gifts within them, that have been bestowed upon them by the laying on of hands of the servants of God; cultivating a knowledge and an application of the eternal principles of the great science of life."

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35. For a complete History of this movement see Jubilee Hist. of the Latter-day Saint Sunday Schools, 545 pages, 1900, published by the Deseret Sunday School Union.

36. The quick evolution of the name of the Association in the mind of President Young at the first interview with Elder Wells upon this subject is interesting. "The question came up as to what the association should be called, and as nearly as I can recall his words they were as follows: 'We want to organize the young men into an association—an improvement association—a mutual improvement association—Young Men's Mutual Improvement Association—there's your name.' That is how we came by our name." Remarks of Junius F. Wells at the Y. M. M. I. A. Conference 10th of June, 1905, published in Hist. of Y. L. M. I. Associations, Gates, p. 82.



And later, in a letter of instructions, dated Nov. 6th, 1875, the following:

“It is our desire that these institutions should flourish, that our young men may grow in the comprehension of, and faith in, the holy principles of the gospel of eternal salvation, and furthermore, have an opportunity to, and be encouraged in, bearing testimony to, and speaking of, the truths of our holy religion. Let the consideration of these truths and principles be the ground work and leading idea of every such association; and on this foundation of faith in God’s great latter-day work let their members build all true knowledge by which they may be useful in the establishment of his kingdom. Each member will find that happiness in this world mainly depends on the work he does, and the way in which he does it. It now becomes the duty of these institutions to aid the holy priesthood in instructing the youth of Israel in all things commendable and worthy of the acceptance of Saints of the Most High God.”<sup>36½</sup>

The first association was formed in the Thirteenth Ward Chapel Salt Lake City on the 10th day of June, 1875, H. A. Wooley was chosen president; B. Morris Young and Heber J. Grant, counselors; Hiram H. Goddard secretary. Thence the organization spread to many other wards and settlements throughout Utah, until by November 8th, 1876, after a little more than a year of effort, one hundred associations had been organized with a membership of over two thousand. In December following, in the Old Council House, at Salt Lake City, a “Central Committee” was organized, consisting of Junius F. Wells, president; Milton H. Hardy and Rodney C. Badger, counselors; John Nicholson, R. W. Young and Geo. F. Gibbs, secretaries, and Mathoni W. Pratt, treasurer. This organization continued until the 6th of April, 1880, when the work had reached such development that it was thought necessary to give it closer association with the general authorities of the Church, and the veteran Apostle Wilford Woodruff was made the superintendent of the organization, and Joseph F. Smith and Moses Thatcher, both of the Council of the Twelve, became his counselors. Junius F. Wells, Dr. Milton H. Hardy, Rodney C. Bad-

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<sup>36½</sup>. The Past of Mutual Improvement—Anderson—*Improvement Era*, Nov. 1897.



ger were sustained as assistants to the superintendency; Heber J. Grant was made secretary and Wm. S. Burton, treasurer.

Variously modified in structure and developing purpose, the organization still continues and is in a most flourishing condition; and with very few exceptions forms part of every ward and branch organization in the stakes of Zion, and in the missions of the Church.<sup>37</sup>

The Young Ladies' Mutual Improvement Associations, which are designed to afford similar opportunity of self-culture to the young women of the church as the young men's associations afford the young men, may claim priority in organization. That movement began by a meeting held at the "Lion House" residence of Brigham Young, on the 28th of November, 1869.

Brigham Young had long felt the need of what he called "retrenchment" among the young women in Zion, meaning by that the surrender of extravagance in dress, speech and general deportment, and the cultivation of habits of order, thrift, industry and charity. This retrenchment movement was started on the above date among the members of President Young's own family. For some time the movement went by the name of the "Co-operative Retrenchment Association." The President of the first association organized was Ella Young Empey, a married daughter of President Young. She had six of her sisters as counselors.<sup>38</sup> The movement was not long confined, however, to President Young's family. Within the year 1870, there were branches of the organization in nearly every ward in Salt Lake City, and the work had extended to Ogden and Logan in the north, and to Provo in the south. Finally as the Young Men's Improvement Associations developed, it was easy to see

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37. The movement, besides bringing forth many text books on a great variety of subjects, has given rise to two monthly magazines in succession as organs of the institution. These are the *Contributor*, which began in 1879, with Junius F. Wells as Editor. It continued through seventeen years. Next the *Improvement Era*, which began in November, 1897, and is still published. A history of the rise and progress of this movement will be found in the *Improvement Era* of November, 1897, by E. H. Anderson the present Associate Editor of the *Era* under the caption—The Past of Mutual Improvement. In addition to continuing the central thought-purpose of the organization—intellectual, moral, social, and spiritual development, the movement has of late taken on physical culture by means of directed athletics and Boy Scouting, and also Vocational guidance and industrial placement.

38. These were Emily Y. Clawson, Zina Y. Williams, Maria Y. Dougal, Caroline Young, Phoebe Young, Dora L. Young.





that the "Retrenchment Associations" of the young ladies had in hand a strikingly parallel work with that of the young men's associations, and soon began in their organization to conform to the same general outlines, as they did also in name—Young Ladies' Mutual Improvement Association. A general superintendent in 1880 was chosen in the person of sister Elmina S. Taylor, who selected for her counselors Mrs. Margaret Taylor, Miss Martha Horne (who later became Mrs. Martha Tingy, and is now —1914—the President of the great organization) Miss Louie Wells was chosen secretary, and Mrs. Fannie Young Thatcher, treasurer. The development and achievements of this organization have paralleled among the young women what has been accomplished by the Young Men's Association among the young men of the Church.<sup>39</sup>

In addition to these developments in the auxiliary organizations a reform movement occurred in the Church itself, inaugurated by President Young. This in the winter of 1874. It was in the nature of a recurrence to the principle of consecration and stewardship referred to in earlier chapters of this history.<sup>40</sup> A movement that would lead the Saints through a complete consecration of their earthly possessions, to a closer union in moral purpose and spiritual union.<sup>41</sup> President Young began this movement in St. George<sup>42</sup> and other settlements of the Rio

39. For an account of the rise and progress of this movement among the young women of the Church of the Latter-day Saints, see History of the Y. L. M. I. A., by Susa Young Gates, 488 pages, 1911, *Deseret News* print.

40. See chapters XVIII, XIX.

41. That the purpose of uniting the people in their material interests was to secure a higher spiritual union among the people is manifest in the remarks of President Young when introducing the subject for the consideration of the 44th annual conference of the Church. He said: "And when the question is asked—'whose is this?'—the earnings and savings of this community, organized to sustain and promote the kingdom of God on the earth, the answer will be—'It is ours, and we are the Lord's, and all that we have belongs to him.' He has placed this in our possession for our improvement and to see what we will do with it, and whether we will devote ourselves, our time, talents and means for the salvation of the human family." Elder Erastus Snow's characterization of it was: "The great principle involved in the 'United Order' was each one for the whole and God for all. Among other good things it was a mutual educational society for the industrious, frugal and well-behaved. \* \* \* It was for the strong to sustain the weak." Minutes of the annual conference of the Church, 1874, published in *Mill. Star*, Vol. XXXVI, Nos. 22, 23, 24.

42. At St. George the following rules for the conduct of those who entered into this movement known as the "United Order of Zion" were drawn up and accepted by the meeting; and afterwards became generally adopted wherever the "Order" was organized.



Virgin valley, and continued to preach it on his return journey to Salt Lake City. The annual conference of the Church for 1874 which convened on the sixth of April, after one session adjourned until the 7th of May. This in order to afford President Young, then en route from the south, an opportunity to attend the conference. The conference when convened in May devoted considerable attention to the "United Order." A general organization was effected in which the First Presidency of the Church were sustained as President and Vice-Presidents; the Twelve Apostles, as assistant Vice-Presidents; David McKenzie was made Secretary, with five assistant secretaries, and a general bookkeeper; Geo. A. Smith, who had been appointed Trustee-in-trust for the church, was elected treasurer; and be-

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"RULES THAT SHOULD BE OBSERVED BY MEMBERS OF THE  
UNITED ORDER."

"We will not take the name of the Deity in vain, nor speak lightly of His character or of sacred things.

"We will pray with our families morning and evening and also attend to secret prayer.

"We will observe and keep the Word of Wisdom according to the spirit and the meaning thereof.

"We will treat our families with due kindness and affection, and set before them an example worthy of imitation. In our families and intercourse with all persons, we will refrain from being contentious or quarrelsome, and we will cease to speak evil of each other, and will cultivate a spirit of charity towards all. We consider it our duty to keep from acting selfishly or from covetous motives, and will seek the interest of each other and the salvation of all mankind.

"We will observe the Sabbath day to keep it holy, in accordance with the Revelations.

"That which is committed to our care, we will not appropriate to our own use.

"That which we borrow we will return according to promise, and that which we find we will not appropriate to our own use, but seek to return it to its proper owner.

"We will, as soon as possible, cancel all individual indebtedness contracted prior to our uniting with the order, and, when once fully identified with said order, will contract no debts contrary to the wishes of the Board of Directors.

"We will patronize our brethren who are in the order.

"In our apparel and deportment we will not pattern after nor encourage foolish and extravagant fashions, and cease to import or buy from abroad any article which can be reasonably dispensed with, or which can be produced by combination of home labour. We will foster and encourage the producing and manufacturing of all articles needful for our consumption as fast as our circumstances will permit.

"We will be simple in our dress and manner of living, using proper economy and prudence in the management of all intrusted to our care.

"We will combine our labour for mutual benefit, sustain with our faith, prayers, and words those whom we have elected to take the management of the different departments of the order, and be subject to them in their official capacity, refraining from a spirit of fault-finding.

"We will honestly and diligently labour and devote ourselves and all we have to the order and to the building up of the Kingdom of God."



sides these officers there was elected a Board of Directors, from among the most prominent business men in the Church.<sup>43</sup>

The development of this movement was not uniform. In some places it took on the form of strict community life, holding property in common, and in some instances the community living as one family, as in Sunset, one of the recently established Arizona settlements; at Orderville, in Long Valley, Kane county; Kingston, in Piute county, and a few other places.<sup>44</sup> But quite generally the movement took on a less pronounced communistic character, of which the Sevier Stake of Zion, presided over by Joseph A. Young, oldest son of President Brigham Young, is the best example of record. As explained by Joseph A. Young the organization operated as follows:

“A year ago last April eight settlements of the county were organized into that system, and about two-thirds of the people have since been steadily working in it. The qualification for membership is not that of the amount of property possessed by the individual, but that of standing in the Church and general good conduct, and no one is admitted except those who put all they have into the Association, which is organized under the laws of the Territory. In the admission of persons to membership the question of capacity to render valuable service to the association is not considered, the gospel theory and practice of ‘the strong aiding the weak’ is recognized and carried out, that the whole community may rise together.

“In Richfield, the leading settlement, 135 families work in the Order. The capital of the organization is under the control of the board of directors, who are elected by the members, each person having credit according to the amount of property or means that he has placed therein.

“Most kinds of work is done by contract, based on cash prices, and the surplus credits accruing from a man’s labor, over what he draws for the sustenance of himself and family, are placed to his credit on capital stock. Occasionally, when a member wants a house built, and has not quite enough credit or

43. These were Horace S. Eldredge, John Sharp, Feramorze Little, Moses Thatcher, John Van Cott, James P. Freeze, Henry Dinwoodie, Thomas Taylor, and Elijah F. Sheets.

44. For a description of the “Family,” or community life at Orderville see Letter of D. B. Fackrell, secretary of the U. O. at that place, date of July, 1875, this after (16) months experience, *Deseret News—Weekly*—of July 28th, 1875, p. 410. See also Sinners and Saints,—Phil Robinson—for description of community life efforts at Kingston and Orderville, chapters XVII and XVIII.





stock to pay for it, the Order builds it for him, and in course of a short time his credits increase and he pays for it, thus making the system one of the best mutual benefit associations in existence.

"Besides the general stock concern the people have stewardships which are separate, and which include their homes, city lots, domestic animals, etc., which by industry and tact, they put to good use in procuring extras with their products, the substantials being furnished from the main source of supply.

"The Order in Richfield now owns a grist mill, which cost between \$10,000 and \$11,000, and also a steam saw, lath, and shingle mill, at which about thirty men are employed. The horse-herd of the association includes about 200 head of animals, the cattle-herd 800, and the sheep herd 1,700, and a tannery belonging to the county.

"About half a dozen shoemakers are at work in the Order, and carpenters, masons, and tenders to the number of about twenty, besides forty-five that are farming something over 1,100 acres of land, and a few men are at work making furniture, besides other branches of business that are in operation.

"A few of the older men stay around home and attend to the heavier labors in that department, such as wood hauling, attending to water ditches, plowing, etc., so that everybody has something to do.

"Some difficulty was met with the first year but the organization and its operations being based upon benign gospel principles and a well defined business system, obstacles are fast disappearing, and a feeling of brotherly kindness is increasing."<sup>45</sup>

Later, in order to make more solemnly impressive this movement, it was attended by renewal of covenants in baptism, which was begun by President Young and his counselors, at Ephraim, Sanpete county, on the 17th of July, 1875, an example afterwards quite generally followed by the Church.

Two things, however, yea, three, contributed to arrest the development of the United Order movement; first, the increasing complexity of life in Utah—larger contact with modern-world life by the influx of a constantly increasing non-Mormon population; second, the fact that the movement as projected would divide the Church into two classes in its membership,

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45. *Deseret News*—Weekly—of Aug. 4th, 1875. p. 417.



those who did, and those who did not, belong to the "Order"—for refusal to enter into the United Order was not to be a matter of fellowship in the Church; and, of course, that meant division in the membership as stated above—a thing very undesirable;<sup>46</sup>

third, the increasing years of President Young, and his steadily failing health, which made it impossible for him to bring to this great task the old-time strength—mental and physical—of former years. And so, for these reasons, the United Order movement first languished and then quietly subsided into desuetude; since then, no further effort of the kind has been attempted.

To this period belongs the initiative of efforts to convert Mormons from their faith by the coming of the representatives of the old forms of sectarian Christianity among the Latter-day Saints. The first to make an attempt of this kind was the Rev. Norman McLeod who came to Utah with the California volun-

46. See Minutes of 44th annual conference S. L. City *Mill. Star*, Vol. XXXVI, Nos. 22, 23, 24. It cannot be matter of surprise that the faith of all the members was not equal to the sacrifice of their earthly possessions to an adventure of this description, for sacrifice it indeed was, as is attested by the deed of gift to the "Order" authorities, when the act of consecration was affected. The following is a sample deed:

"Be it known by these presents, that I, Jesse W. Fox, of Great Salt Lake City, in the county of Great Salt Lake, and territory of Utah, for and in consideration of the sum of one hundred (\$100) dollars and the good-will which I have to the Church of Jesus Christ of Latter-day Saints, give and convey unto Brigham Young, trustee in trust for the said Church, his successor in office and assigns, all my claims to and ownership of the following-described property, to wit:

One house and lot .....	\$1,000
One city lot .....	100
East half of lot I, block 12.....	50
Lot I, block 14 .....	75
Two cows, \$50; two calves \$15.....	65
One mare, \$100; one colt, \$50.....	150
One watch, \$20; one clock, \$12.....	32
Clothing, \$300; beds and bedding, \$125.....	425
One stove, \$20; household furniture, \$210.....	230
Total .....	\$2,127

together, with all the rights, privileges, and appurtenances thereunto belonging or appertaining. I also covenant and agree that I am the lawful claimant and owner of said property, and will warrant and for ever defend the same unto the said Trustee in Trust, his successor in office and assigns, against the claims of my heirs, assigns, or any person whomsoever."

Then follows the attestation of the witness, and the formal certificate of the Judge of the Probate Court that "the signer of the above transfer, personally known to me appeared the second day of April, 1875, and acknowledged that he, of his own choice, executed the foregoing transfer."



teers, in 1862, and who, after the volunteers were discharged, remained to act as a missionary for the Congregational Church. According to the "Utah Gazetteer" for 1884, where the information relative to the "Churches in Utah," "is furnished from each denomination by the person most prominently identified with the Church concerning which the matter is given,"<sup>47</sup> Rev. McLeod was "transferred by the American Home Missionary Society from Denver to Salt Lake, to labor in the cause of the Congregational Church."<sup>48</sup> This minister made himself very unpopular in Salt Lake City. In addition to delivering anti-Mormon lectures in the "Liberal Institute" in Salt Lake City, in which he attacked the character of the leading Mormon Church officials, he sympathetically, if not actually, identified himself with the anti-Mormon "Utah ring" from the land-jumping efforts of Dr. J. King Robinson, *et al.*, to the political schemes of Newman, Baskin, Maxwell, *et al.*; during the McKean period; to say nothing of his misrepresentation both east and west of Mormon conditions in Utah. He finally departed from the Territory, and Mormonism bore no scars from wounds of his inflicting.

Of Rev. J. P. Newman's effort in his attack upon polygamy sufficient has already been said.

On the first of May, 1867, Rev. Daniel S. Tuttle, Rector of Zion's Church in the Town of Morris, Otsego county, N. Y., was ordained a bishop and assigned to the newly created mission diocese of Montana, Idaho and Utah. He chose as his assistants for

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47. See the "Gazetteer," p. 208.

48. A few days later he arrived in the city and opened religious services at once in Daft's Hall, and also at Camp Douglas. Two Sunday schools were established, and the enrollment of the one in the city presently showed an attendance of 250. February 14th, a church was organized with 17 members. Before the close of the year a lot had been purchased and an adobe structure (an addition to Independence Hall), 35 by 59 feet, had been erected, at a cost for land and building of \$7,500. Of this sum more than \$2,000 was raised in California by Mr. McLeod. Most of the remainder was raised in Salt Lake. Mr. McLeod labored perseveringly until early in the spring of 1866, when he was called east. The city Sunday school was continued several years, and until absorbed by those of other denominations—which, in the meantime, had opened mission work in Utah. In 1872 Mr. McLeod returned and spent a year in the effort to re-gather the scattered fragments of the church and Sunday schools, but he resigned before its accomplishment. Rev. Walter M. Barrows was chosen his successor, and on May 24, 1874, a church of 24 members was formed. From that day steady growth and prosperity followed. In 1880 self-support was reached, and when Mr. Barrows resigned, June, 1881, the membership was nearly 150.





the Utah field Revs. Geo. W. Foote and T. W. Haskins who arrived in Utah, the one on the 3rd, the other on the 4th of May, 1867. The Bishop followed them arriving in Salt Lake on the 2nd of July of the same year. The policy of Bishop Tuttle was in marked contrast to that of some sectarian missionaries who both preceded and followed him. That policy is best outlined in a passage from a letter to Mrs. Tuttle—who was still in the east—under date of July 10th, 1867:

“The Mormons entered this valley just twenty years ago the 24th of this month. They hold marked celebrations of the event every 24th of July. There are, therefore, young men and young women here who have never seen aught of the outside world, who have never witnessed Christian worship of any kind whatever, who have been taught (and from specimens here they may well believe) that all Gentiles are a cheating, blasphemous, licentious set of men. One great duty we have to do, with God’s help and blessing, to show these young Mormons by our lives and conversation that we are the pure, just, peaceable, and loving people that, if we are Christ’s true disciples, we ought to be. Meanwhile, be it said, there seems to be less profanity, rowdyism, rampant and noisy wickedness among the young Mormons than among the youth of any other town or city where I’ve been. Drunkenness is a crime almost unknown among them.”<sup>49</sup>

Bishop Tuttle while he remained in the western mission field strictly adhered to the spirit of the policy outlined in the foregoing passage and won the respect and esteem of both the Church leaders and the Latter-day Saints as far as he came in contact with them, for he accorded to them and to their faith, both in spoken and written word, what he intended to be fair treatment. The Episcopal Church, under his direction and those who followed him, flourished in Utah; and to them may be accorded the honor of pioneering in Utah in two things: the founding of non-Mormon, Christian educational institutions; and second, Hospitals; St. Mark’s Hospital being founded in 1869.<sup>50</sup>

The advent of the Catholics into Utah, after the organization of the Territory, followed by about one year the coming of

49. Reminiscences of a Missionary Bishop, Tuttle, 1906, p. 110.

50. See Utah Gazetteer, p. 209, and The Mountain Empire, p. 31.



the California Volunteers. The first to come was Rev. J. B. Raverdy, from Denver, Colorado. He remained for some time at Camp Douglas, where he found some members of his Church among the California Volunteers, whose confessions he heard, "and daily offered up the holy sacrifice." At the request of General Connor he blessed the military cemetery where the Camp's dead are buried, including those of the Bear River battle. This in May, 1864. In June, 1866, the Rev. Edward Kelly, at the request of Bishop O'Connell, of Sacramento, came to Salt Lake and from among the few Catholics he found in the city he raised a subscription with which he purchased a piece of ground at second East street, between South Temple and first South street, where afterwards a church was erected in 1871 at a cost of \$10,000,<sup>51</sup> the forerunner of the splendid Catholic Cathedral at "Brigham and A" Street. "Father Kelly said his first public Mass in Salt Lake in the old Assembly Hall of the Latter-day Saints, courteously placed at his disposal by the President and Elders of the church. After administering to the spiritual demands of the handful of Catholics then in the city, Father Kelly returned to Sacramento."<sup>52</sup>

The next priest to come to Utah was Father James P. Foley, who, in the dilapidated adobe structure on the lot purchased by Father Kelly, celebrated mass and taught the Catholic faith. He was succeeded by the Rev. Patrick Walsh under whose ministry the Church of St. Mary Magdalene was erected and dedicated on Nov. 6th, 1871. Father Walsh remained pastor of St. Mary's until July, 1873, when he was recalled by his Archbishop to another charge in California; and in August, 1873, Rev. Lawrence Scanlon came to Salt Lake as missionary rector, "to fall heir to a little brick church, with its wooden cross, and groaning under a mortgage of \$6,000." The missionary rector became the present (1914) Bishop of Salt Lake and Utah, and

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51. "Soon after the purchase it was discovered that there was a blemish on the title to the lot. To avoid litigation, the seller and buyer agreed to submit the matter in dispute to the Mormon President, Brigham Young, and stand by his arbitration. The President, after examining the deed and listening patiently to the evidence, decided that Father Kelly was right, and ordered that the title should be quieted, all claims against the ground settled by the seller, and the deed handed over to the priest." The Catholic Church in Utah, Dean Harris, 1909, p. 282.

52. *Ibid*, p. 282.



"the little brick church" is succeeded by the magnificent \$600,000 Cathedral and "a score of handsome churches scattered over the diocese that in 1873 was the parish of the young priest."<sup>53</sup>

It cannot be said that this Catholic mission was established in Utah to make war on the Mormon Church, and it is but just to say that the representatives of the Catholic Church have not joined in those anti-Mormon political agitations which menaced the peace of the Latter-day Saints in Utah. "I do not see your name, Bishop, on protests and other papers that some of the ministers here are circulating," said a correspondent of the "*Newark* (New Jersey) *News*"—June, 1903—to Bishop Scanlon. "No," replied the Bishop, "I never join in anything of that kind. My mission here is not to make war among the Mormon people, or any other people, but rather to be the bearer of the message of peace and good will toward all men. If there is any law to be enforced, I leave that for my government to do."<sup>54</sup>

The work of the Presbyterian Church in Utah began in 1869 with the rise of Corinne. Beadle in his account of the rise of Corinne says "a church and a school have been successfully established,"<sup>55</sup> but gives no information as to the pastor. Rev. Sheldon Jackson, synodical missionary of the Presbyterian Church, however, arrived at Corinne in June, 1869, and began the holding of regular services on the 13th of the same month, and a year later, July 14th, 1870, the first Presbyterian Church was organized in Utah.<sup>56</sup> In September, 1871, Rev. Josiah Welch became the first Presbyterian pastor of Salt Lake City. His first meetings were held at the Liberal Institute,<sup>57</sup> but later a church was built on the corner of second East and second South

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53. Article Salt Lake *Tribune* of June 28, 1914, Reminiscences of Bishop Scanlon's forty-eight years of service in the Catholic priesthood.

54. The *Newark News* letter is reproduced in *Defense of the Faith and the Saints*, Vol. I, p. 117.

55. *Life in Utah*, etc., p. 310, Rev. Henry Kendall, D. D., secretary of the board of home missions, preached the first sermon by any representative of the Presbyterian Church in Salt Lake City (*The Mountain Empire*, Sloan and Blair, 1904, p. 30).

56. *The Mountain Empire*, p. 30.

57. *Utah Gazetteer*, p. 210, Whitney says in Faust's Hall (*Hist. Utah*, Vol. 2, p. 317).





streets. The Presbyterian ministry in Utah became the most active in their anti-Mormon activities.<sup>58</sup>

The first preaching of Methodism in Utah was by one Rev. L. Hartsough, who is said to have made a "prospecting tour" from his residence in Laramie, Wyoming, preaching "once or more in Wasatch, Ogden, Corinne, and Salt Lake City. Then came G. M. Pierce, from the central New York conference. He came to Salt Lake City May 8th, 1870. About a month later by appointment from Bishop Ames he became superintendent of missions for Utah. Rev. Pierce remained in charge of the work in Utah until 1876. The first Church edifice was erected at Corinne in 1870. The first Church in Salt Lake City was begun in 1870.

In June, 1871, a camp meeting service was held under the auspices of the Methodist Episcopal denomination; the services lasting through eight days. It was the first service of its kind held in Utah. The Latter-day Saints were encouraged to attend these services, especially the young.<sup>59</sup> There were some

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58. They extended their work into various parts of the Territory, and by 1884 had ministers located at Springville, Payson and American Fork, in Utah county, Brigham City, Box Elder county, at Hyrum and Logan in Cache county, Manti and Mount Pleasant in Sanpete county, and at St. George in Washington county. (Utah Gazetteer, p. 210). So far as making inroads upon people of the Mormon faith is concerned, however, by the Presbyterians or any other of these sectarian missions, their efforts have been practically barren of results. Less than one poor scruple of result to more than a ton of effort is not an exaggerated statement of the proportion of effort to result.

59. "President Young, when he heard that it was their intention to bring a big tent here and hold meetings, advised the Latter-day Saints to go and hear them, and he particularly desired the young people who had never witnessed meetings of this kind and listened to the preaching of this denomination to attend the meetings. The tent has been crowded every night, and the people have manifested extraordinary forbearance and patience, even when denounced and accused by speakers of sin, and also crimes, of which they knew they were more guiltless than their accusers." (*Deseret News* Editorial—Weekly—of June 21st, 1871, p. 236). In Ogden on the 3d of June, 1871, President Young in a discourse said: If you should have visits here from those professing to be Christians, and they intimate a desire to preach to you, by all means invite them to do so. Accord to every reputable person who may visit you, and who may wish to occupy the stands of your meeting houses to preach to you, the privilege of doing so, no matter whether he be a Catholic, Presbyterian, Congregationalist, Baptist, Free-will Baptist, Methodist, or whatever he may be; and if he wishes to speak to your children let him do so. Of course you have the power to correct whatever false teachings or impressions, if any, your children may hear or receive. I say to parents, place your children, as far as you have an opportunity to do so, in a position or situation to learn every thing in the world that is worth learning. \* \* \* Now then, if our brethren of the Presbyterians, Methodists or any others visit here and want to preach to you, certainly, let them preach, and have your children hear them." (*Deseret News*—Weekly—of June 21st, 1871, p. 235.) Brigham Young knew that Mormonism had nothing to fear from contact with the Christian sectarianism of the times.



verbal interruptions in some of these meetings owing to an inclination to doctrinal controversy on the part of some who attended the service; but these instances were but slight and were promptly rebuked.<sup>60</sup> The number of converts from the camp meeting effort was doubtless disappointing. It was current report that the ministers expected to add five hundred to their fold. "If they have made a single convert of a Latter-day Saint," said a *News* editorial at the close of the service, "We have not heard of it."<sup>61</sup> The Methodist Episcopal Church more directly perhaps than any of the other churches sent its representatives to Utah to overthrow the Mormon Church, and most vigorously did they prosecute their mission, but without injurious effects so far as converting any Latter-day Saints to Methodism is concerned.<sup>62</sup>

The Jews also came to Utah in this period, and brought with them their religious faith, together with the felt need of giving expression to it in acts of worship. That they were treated kindly by the Latter-day Saints in the matter of being encouraged to introduce their worship is evidenced by the fact that in 1871 they were given, free of charge, the use of the City Hall (the Mormons then being in complete control of the municipality) for conducting religious services.<sup>63</sup> Later, of course, the

60. "There were a few interruptions when speakers did not clear up doctrinal points, which were exceedingly mortifying to the mass of the community; but prompt measures were taken to check them at future meetings, and with such good effect that great stillness prevailed at the last two evening meetings, though we thought one at least of the speakers last night was very abusive. \* \* \* We think these few interruptions were inexcusable; but had the same courtesy been extended by the ministers in charge of the meetings to the Latter-day Saints that they receive from the latter, there would not have been a whisper heard." (*Deseret News*—Weekly—of June 21st, 1871, p. 236).

61. *Ibid.*

62. A very elaborate Report of the activities of the Methodist Episcopal Church will be found in Tullidge's *Quarterly Magazine*, Vol. 1, 1880, pp. 244-250. Also article in *Utah Gazetteer*, 1884, pp. 209-10.

63. The following "Card" will attest the correctness of the statement of the text:

#### CARD.

"To the Hon. the Mayor and Members of the City Council of the City of Salt Lake. Gentlemen:—At a meeting of the members of the temporary Congregation of the Israelites of this city, J. W. Joelson, Esq., in the chair, the following resolutions were unanimously adopted and ordered spread upon the minutes:

*Resolved*, that the thanks of the congregation are due, and are hereby expressed, to the Hon. the Mayor and Members of the City Council of this City, for the voluntary tender, free of charge, of one of their splendid halls for the observance of our religious services on the Holidays just passed.



Jews founded their synagogue in Salt Lake City and conducted regular religious service.

We have come now to the last years in the life of Brigham Young. Judged by the vexatious lawsuits projected against him in those days; the schemes for special legislation by the "Utah Ring" the judicial crusade led by Judge McKean and his associates—it might be thought that those days would be full of trouble and yield little of the joy of life to the great Pioneer. This would be to judge wrongfully; for it is but truth to say that the closing years of President Young's life were as happy as any of his career. As Bible commentators say of Gideon, Judge in Israel, highly favored of the Lord by many divinely wrought signs and wonders to convince him that he was called of God to deliver Israel from the Medianites—"After this there was a peace of forty years." "And we see," say the commentators, "Gideon in peaceful possession of his well-earned honors, and surrounded by the dignity of a numerous household."<sup>64</sup> So with Brigham Young. And besides, his association with the great body of his people was very considerable, and very pleasant. It became his custom in these years to visit annually the settlements northward during the summer months, preaching to them, directing their colonizing movements and development; and in the winter, to visit the southern settlements for a like purpose, usually spending several months in rest and recreation in the Rio Virgin Valley settlements, but chiefly at St. George, where the first Temple built in the Rocky Mountains by the Latter-day Saints was now approaching completion.

Salt Lake City might be and was a hot-bed of anti-Mormon forces, but the settlements both north and south knew little and

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*Resolved*, that the Israelites of this city will ever gratefully remember the courtesy thus extended to them.

*Resolved*, that the foregoing be published in the *Deseret Evening News*, *Daily Herald* and *Daily Tribune*."

For the Congregation,

J. M. JOELSON, Prest.

A. LEVY, For. Prest.

LEOPOLD ARNSTEIN, Secretary.

Salt Lake City, Sept. 26, 1871. (*Deseret News*—Weekly—of Oct. 4, 1871).

64. Smith's Dictionary of the Bible Art. "Gideon," Vol. 11, p. 921. The passage which brings forth the comment is as follows: "And Gideon had three score and ten sons of his body begotten: for he had many wives." Book of Judges, Ch. VIII; 30.





cared less about them. They were "Mormon" settlements; and but little affected by the strife of political intrigues, and the plots of judges with a mission. Their people had one devotion—the New Dispensation of the Gospel—the building up of Zion. Brigham Young, to them, was God's Prophet; they were glad to have him in their midst. Few men have been better loved. They hung upon his words as the very counsel of God to them; their hands were stretched out to him, and their hearts were in them. It would be a dull nature that would not be moved to joy in the midst of such circumstances.

Then renewal of friendships came to bless these closing years. In November, 1872, General Thomas L. Kane, accompanied by his wife and two sons, came to visit Utah and the great Pioneer. All spent several months of that winter at St. George. General Kane was now a scarred veteran of the civil war, in which he had seen hard service. At the beginning of the war he tendered his services to the government and organized what is known in the war annals of our country as the "Bucktail regiment," from among the hunters, trappers and lumbermen of northwest Pennsylvania. The regiment was one of the noted war units from that state. Its leader was several times wounded. At Gettysburg he commanded a brigade. After this battle, suffering from both wounds and sickness, he was obliged to withdraw from active service. For bravery on the field he was brevetted Major-General, a high honor, doubtless, but scarcely commensurate with his brave service.<sup>65</sup> After the war General Kane had established his home in the mountain district of northern Pennsylvania, McKane county—near a village which was named for him—"Kane." He had built an elegant home in the midst of his estate of several thousand acres, and lived much in the style of a baron of the feudal ages, being held in the highest esteem by the surrounding populace.<sup>66</sup> The winter spent in St.

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65. Biographical sketch of Thomas Lepeer Kane, by Geo. Q. Cannon, *Juvenile Instructor*, Vol. XIX, p. 24 *Et seq.*

66. During his summer vacation of 1869 President Grant and a party of friends spent some time at the Kane home as the guests of General and Mrs. Kane. General Kane added Senator Don Cameron to the party. The host, knowing the wish of President Grant to rest and be undisturbed, called to his assistance a detachment of his old "Bucktail retainers," and gave them instructions to allow no one on that part of the estate near the mansion unless they were invited guests or had special permission. And under these arrangements for his comfort "The



George in the midst of a grateful people whose interests he had served in the hour of their severest trial, sweetened by personal intercourse with many of the Church leaders, must have been especially gratifying to the General, and a joy to President Young in what was now the evening of his life.

In May, 1874, another old-time friend visited Utah, and spent some time with President Young. This was no other than General Alexander W. Doniphan, who at the crisis at Far West, in 1838, had doubtless saved the life of the Prophet Joseph Smith by his own insubordination, by refusing to execute the order of General Clark who ordered him to shoot Joseph Smith and six of his associates—all high Church officials—in the public square at Far West. General Doniphan not only refused to execute the order but denounced it as cold-blooded murder, and threatened to withdraw his brigade from the state forces if the order was persisted in. He had also rendered some service to the Mormon Battalion at Santa Fe, when the Battalion was *enmarch* to the Pacific coast. General Doniphan it will be remembered rendered notable service in the war with Mexico, having become the hero of the battles of Brazito and Sacramento; and with his command had performed one of the most wonderful invading war marches of history.<sup>67</sup> Naturally General Doniphan was a welcome guest in Salt Lake City, and of Brigham Young, since his coming would suggest all the distance that had been traversed,

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President," said the New York *Herald* correspondent of the party, "threw off his usual reserve, and exhibited a vivacity of manner and freedom of conversation which would probably have surprised some people." In addition to the outdoor pleasures of horse-back riding over the estate and surrounding mountain and forest country, 2,500 feet above sea level, and the hunting and fishing, the interior of the home was made attractive both by the good taste of its inmates and from the fact of its possessing many curiosities left to General Kane by his Brother, Elisha Kent Kane, the Arctic Explorer. Speaking of the host of the Presidential party, in that summer of 1869, the N. Y. *Herald* correspondent said: "He is monarch of all he surveys. He is the soul of refinement, and wields a powerful influence over the people of the neighborhood. It would almost seem that they were the retainers of a baron of 'ye ancient days,' than fellow citizens of a distinguished and enterprising land owner." (See *Herald* Article in *Deseret News—Weekly—*of Sept. 8th, 1869.)—Such was Thomas L. Kane, heart-friend of Brigham Young, and of the Mormon people.

67. See Senator T. H. Benton's speech at St. Louis in giving welcome to Doniphan's command on its return from Mexico, in July, 1847. Doniphan's Expedition, Hughes, Ch. XXII.



and all the history that had been made, between Far West and Salt Lake City—all the achievements between 1838-1874<sup>68</sup>

Speaking of prominent visitors to Utah during this period, it should be stated that President Grant visited Salt Lake City early in October, 1875, and a meeting took place between the President of the Church of the Latter-day Saints, and the President of the United States. President Grant's party arrived at Ogden on the morning of the 3rd of October. He had already been met at the mouth of Echo Canon by the Governor of the Territory and a number of other federal officials, who boarded the Presidential train to escort him to the capital. At Ogden a special train from Salt Lake City bearing the City Council's committee of welcome, and a large number of prominent citizens—among them President Brigham Young, and many other Church authorities—met the Presidential party. The city authorities the day previous had telegraphed to President Grant and party, extending to them an invitation to become the guests of the city, but previous to receiving this invitation he had accepted the invitation to be the guest of Governor Emery and other federal officials of the Territory. The special train of the city's committee and their friends was attached to the President's train, and en route for Salt Lake the city officials were introduced by delegate Geo. Q. Cannon to President Grant and the members of his party. As Brigham Young was introduced to President Grant both gentlemen uncovered, and Brigham Young said: "*President Grant, this is the first time I have ever seen a President of my country.*" President Grant nodded and after a few enquiries and compliments, Brigham Young was introduced to Mrs. Grant and other ladies of the party in the President's car, with whom half an hour was spent in pleasant conversation, chiefly between Mrs. Grant and Brigham Young.

In Salt Lake City the Sunday School children—the arrival of President Grant's party was on Sunday—were drawn up on each side of south Temple street, from the depot to Temple

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68. In 1852 General Doniphan's name had been prominently mentioned in Washington for the position of Governor of Utah to succeed Brigham Young, with whom, at that time, there was some dissatisfaction owing to the misrepresentations made by the "runaway judges" of that period. See Hist. of Brigham Young, Ms., 1852, p. 32, quoting a letter from Ezra T. Benson.





Square, and they gave the Presidential party hearty but decorous greeting.

"The President and Mrs. Grant and Governor Emery rode in an open *barouche* behind four handsome greys." The President as he passed along the children-lined street waved his hat to them and received back salutations from the crowds. The Presidential party was lodged at the Walker House on Main street. In the afternoon of the day of his arrival the President was introduced by Governor Emery to the great crowd which gathered about the hotel; and during the afternoon also he personally received calls from many city, military and Territorial officials and other leading citizens. From the hotel there were carriage drives to all points of interest including the Tabernacle and the Temple, the latter then in course of erection. Camp Douglas was visited, but by special request of the President the cannon salute in honor of his presence was omitted. The following day the party left the city but not before the ladies of Salt Lake had festooned with flowers the President's special car. Prominent among the floral embellishments being the word, "WELCOME," neatly executed in flowers. U. S. Grant was the first President of the United States to visit Utah.<sup>69</sup>

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69. An account of President Grant's visit will be found in *Deseret News*, Weekly of Oct. 6th, 1875, and in Tullidge Hist. Salt Lake City, Ch. LXXIII. The latter states that as President Grant was driven through the lines of Sunday-school children, he inquired of Governor Emery whose children they were, and was answered, "Mormon children." "For several moments the President was silent," says Tullidge, "and then he murmured, in a tone of self reproach, '*I have been deceived!*'" Tullidge gives no authority for this statement; but O. F. Whitney states that the remark was made to Governor Emery, who repeated it to him [Whitney] (See Hist. of Utah, Vol. III, p. 116, note). Tullidge also says that Mrs. Grant attended an organ recital at the Tabernacle and was much moved by what she saw and heard, saying to ex-delegate Hooper, "Oh, I wish I could do something for these good, Mormon people." Enroute for the depot on the day of leaving, the Presidential party called at the home of William Jennings, and for an honor partook of the hospitality of Devereux House. (Tullidge's *Quarterly Magazine*, July, 1881, pp. 662-3).

Unfortunately there was an unpleasant rivalry in the matter of receiving and entertaining the Presidential party. Naturally initiative and leadership in the matter belonged to the Governor and the federal officers of the Territory. But something was due to the City officials and the people; for the President properly was to be the guest of the City as well as of the Territory. But this seems to have been ignored by Governor Emery, whose plans took no account of the city authorities, being exclusively Mormon, and without giving opportunity for cooperation he invited the Presidential party to accept the hospitality of the Territory through himself and the federal officers, which invitation, reaching the President first, was accepted; and which, of course, made it impossible for him to accept the later received invitation to become the guest of Salt Lake City. The resolu-



During these closing years President Young, to relieve himself of some of the burdens of his office, increased the number of his counselors, by choosing five brethren to stand in that relationship to him, *viz.*, Lorenzo Snow, Brigham Young, Jr., Albert Carrington, John W. Young, and George Q. Cannon. He also resigned to George A. Smith the office of Trustee-in-Trust of the Church—the treasurership of the Church; also he resigned as President of the Deseret National Bank, of Salt Lake City, and President of Zion's Cooperative Mercantile Institution.<sup>70</sup> Geo. A. Smith, as trustee-in trust, was given twelve assistants from among the prominent business men of the church.<sup>71</sup> Geo. A. Smith, however, only lived about two years after his appointment—he died September 1st, 1875,—and at the October conference following, Brigham Young was again sustained as Trustee-in-Trust.<sup>72</sup> A year later John W. Young, son of President Young, was sustained as the first counselor in the Presidency in place of Geo. A. Smith, demised.

During the years 1875-6 the work on the St. George Temple was hastened by calling workmen from the north to engage in its completion. By the first of January the lower part of the temple was made ready and was dedicated under the direction of President Young in the presence of about 1,200 people. By April the whole structure was ready for dedication and accordingly the annual conference of the Church was appointed to con-

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tions passed by the city council for the reception and entertainment of the President's party, as also for a place in the special train chartered to meet the distinguished visitors at Ogden, extended participation in all this to all "the civil and military officers of the government, the officers of the Territory, and the city, and to other citizens." (For resolution of the City Council invitations, etc., and story of the visit see *Deseret News—Weekly*—of Oct. 6th, and current impressions of Salt Lake *Herald and Tribune*.)

70. See minutes of General Conference for April, 1873, published in *Mill. Star*, Vol. XXXV, Nos. 18, 19. President Young in choosing five other counselors announced that "He had now two counselors to aid him as President of the Church; he had the privilege of having seven brethren to assist him in this capacity." *Ibid.*, p. 2020. See also signed communication by Brigham Young in *New York Herald* of April 16, 1873. In a "conference assembled in Committee of the whole church, Joseph Smith, the Prophet, after being sustained as the President of the Church, had his two counselors, Sidney Rigdon and Frederick G. Williams sustained as counselors, after which he also put in nomination Oliver Cowdery, Joseph Smith, Sen., Hyrum Smith and John Smith—his uncle. These last four," say the minutes of the meeting, "together with the first three, are to be considered the heads of the Church." The sustaining vote was carried unanimously. *Journal History of the Church*, Vol. II, p. 509.

71. There names will be found *Ibid.*, p. 292.

72. See Conference Minutes for Oct., 1875. *Mill. Star*, Vol. XXXVII, p. 734.



vene at that place, and on the sixth of April the whole structure was dedicated, Daniel H. Wells offering the dedicatory prayer. The Presidency of the Church and most of the apostles were present, and very many prominent Elders and a large number of the Latter-day Saints from the northern settlements were there. After the dedication of this first temple, completed in the Rocky Mountains, by the Church, President Young when returning northward dedicated the site of the Manti temple—which had been previously chosen.<sup>72½</sup>—April 25th, President Brigham Young himself offering the dedicatory prayer.<sup>73</sup> Less than a month later, May 17th, he directed the dedication of the site of the Logan Temple, the by then venerable apostle, Orson Pratt offering the dedicatory prayer; and John W. Young and Daniel H. Wells breaking the soil for the foundation; President Young delivered a brief address.<sup>74</sup> Thus Brigham Young began the four Temples so far erected in Utah, and lived to see the completion, and the dedication of one, the St. George Temple.

In the last months of his life President Young was led to set in order the existing stakes of Zion, usually by effecting a reorganization of them, and to organize many new stakes.<sup>75</sup> This work began at the general conference at St. George, and was continued through all the settlements as the leading apostles and elders of the Church were returning northward. Twenty stakes in all were thus organized or set in order by President Young's

72½. *Viz.* June 25th, 1875. Manti is in Sanpete County, over two hundred miles south of Salt Lake City. "The spot known as 'Manti Stone Quarry' had been reserved for the purpose. The spot so designated is the termination or point of a hill, which in turn appears as the spur of a low range of hills, marked by the outcrop of a well stratified and evenly bedded deposit of oolite."

73. See *Mill. Star*, Vol. XXXIX, No. 24.

74. House of the Lord, pp. 216-219.

75. "He released all of the Twelve from presiding over local places: Brother C. C. Rich, Brother Brigham Young, Junior, Brother Lorenzo Snow and Brother Franklin D. Richards, in the North; Brother Orson Hyde and Brother Erastus Snow in the South; all were released from presiding over the Stakes of Zion, and were told by the President that their mission had a larger field than a Stake of Zion. He set the Priesthood in order as it had never been since the first organization of the church upon the earth. He defined the duties of the Apostles, he defined the duties of the Seventies, he defined the duties of the High Priests, the duties of the Elders and those of the lesser Priesthood, with plainness and distinctness and power—the power of God—in a way that it is left on record in such unmistakable language that no one need err who has the spirit of God resting down upon him." (Remarks of Geo. Q. Cannon, Obsequies of President Brigham Young, pp. 25-6, also *Deseret News*—Weekly—Sept. 5th, 1877).







direction during the summer,<sup>76</sup> of which Bear Lake stake was the last, August 25th, 1877.

Box Elder Stake was organized on the 19th of August, President Young being in attendance and participating in the organization. This was to mark the close of his public ministry. He returned to his home in Salt Lake City, and on the 23rd of August was seized with the illness which six days later proved fatal. He died of *cholera morbus* on the afternoon of August 29th, 1877, surrounded by his family and friends.

Peaceful indeed was his demise.<sup>77</sup> Among President Young's last words were expressions of his gratitude for being so well cared for and having his family near him—"You are all so good," he said. "The last words he uttered, that were distinctly understood," says the bedside chronicle, were '*Joseph, Joseph, Joseph!*' Other remarks relating to 'Joseph,' were expressed, but in a manner that was not comprehended." They gave evidence, however, that his mind was occupied with thoughts of his predecessor, the Prophet Joseph Smith.<sup>78</sup>

On the 1st of September the remains were carried to the Tabernacle in Temple square where they were viewed, that day, by about 6,000 people. On the second of September the funeral services were held, but before they began the great concourse of people who had gathered, by teams as well as by trains from the surrounding settlements, were permitted to pass by the bier and look upon their Prophet leader. From early morning until half past eleven o'clock a continuous stream of living humanity passed through the Tabernacle to view the mortal remains of the man who for thirty-three years had led Israel. By actual count

<sup>76</sup> The stakes thus organized and reorganized were the following: April 7th.—St. George Stake (organized): April 17th and 18th.—Kanab Stake: April 23rd.—Panguitch Stake: May 12th and 13th.—Salt Lake Stake: May 21st.—Cache Stake: May 25th and 26th.—Weber Stake (reorganized): June 17th.—Davis Stake: June 24th and 25th.—Tooele Stake: July 1st.—Juab Stake (reorganized): July 1st.—Morgan Stake: July 4th.—Sanpete Stake: July 8th and 9th.—Summit Stake: July 14th and 15th.—Wasatch Stake: July 15th.—Sevier Stake (reorganized): July 1st and 22nd.—Millard Stake (reorganized): July 25th and 26th.—Beaver Stake (reorganized): July 29th.—Parowan Stake: August 19th.—Box Elder Stake: August 25th and 26th.—Bear Lake Stake (reorganized).

<sup>77</sup> Obituary in Deseret News—daily—of Aug. 30th, 1877.

<sup>78</sup> "His departure was like the falling asleep of a little infant," said Geo. Q. Cannon, who was at his bedside when death came. "No tremor, no contortions; but as peaceful and as quiet, as still as if it were indeed the most gentle slumber." From funeral remarks by Geo. Q. Cannon.



18,000 persons of all classes and ages and degrees visited the tabernacle while the body was lying in state, manifesting the greatest decorum and respect. Several thousand were not counted owing to their taking their seats without passing out of the building where the count was made at the exits by the recording officers. It is estimated that in all 25,000 people thus took their last farewell of the honored dead.

The funeral services were simple but impressive. The Processional honors were the most elaborate and largest attended of any such procession up to this time—1914—held in Salt Lake City.

A volume would not suffice for a collection of the news-

#### THE PROCESSION.

Tenth Ward Band.

Glee Club.

Tabernacle Choir.

Press Reporters.

Salt Lake City Council.

President Young's Employes.

President Joseph Young, Bishop Phineas H. Young, Bishop Lorenzo D. Young  
and Elder Edward Young. (President Brigham Young's Brothers).

#### THE BODY.

Borne by Clerks and Workmen of Deceased, with nine of the Twelve Apostles and the Presiding Bishop as Pall Bearers.

Immediately following the body, the Counselors of President Brigham Young.

The Family and Relatives.

Patriarch of the Church.

First Seven Presidents of the Seventies.

Presidency and High Council of Salt Lake Stake of Zion.

Visiting Presidents, their Counselors and the High Councils of Various Stakes of Zion.

Bishops and their Counselors.

High Priests.

Elders.

Lesser Priesthood,

Seventies.

The General Public.

Ropes, outside of which dense crowds formed, were stretched along the line of the procession to a point a little east of the Eagle Gate, and all the eminences in view of the route were filled with spectators, many of whom could not refrain from tears. President Young's private cemetery is situated on First street a short distance north of the Eagle Gate, then eastward half a block. It commanded, when chosen, a splendid view of the city and the valley south and west from which it is now shut in by surrounding buildings. In the southeast corner of this burial ground a stone vault was made under the personal superintendence of his son, John W. Young, and in strict accordance with his departed father's instructions. It is of cut stone, dowelled and bolted with steel. Its dimensions are 7 feet 11 inches long, 4 feet wide, and 3 feet 3 inches high. It is laid in cement and the inside is cemented and whitened. Here the remains of the revered President of the Church were deposited.



paper and magazine comments upon the life and character of Brigham Young published immediately after his death. He had been a world character for more than thirty years. He was viewed so variously, and did a work so unique, that all the world paused for a moment to say something of this man and his life's achievements. It is astonishing, too, how much of that comment is favorable, and even of high praise both for his achievements and for his character. Others were bitter in their arraignment of him. Some of their bitterness, as is the case with most bitterness, came of unreasoning dislike and prejudice, on the order of—"I do not like thee, Doctor Fell," etc.

To say that Brigham Young had in him limitations, that he erred at times in judgment, or was unsatisfactory in some details of personal bearing or nature, is but to say that Brigham Young was human. But after all is said, that may in truth be said in the way of detraction; nay, even after malice has had its fling, this must be allowed, and it will be the unchangeable verdict of history:—

Brigham Young by the death of Joseph Smith was called to the leadership of a people sorely distraught, and environed by difficulties that threatened their very existence as a community. To him it was given to quiet their fears, to arouse their faith in their own divine mission and their destiny. He, under God, led them in an exodus from Illinois that has not its parallel in modern history. Twenty thousand of these exiles, but poorly furnished for a journey through a wilderness, he organized into industrial columns, and taught them how to be self-sustaining on a march of thirteen hundred miles. Arriving at their destination in the midst of the Rocky Mountains, he made treaties with the red tribes of men, and planted colonies from Salmon river in the north (Idaho), to the head waters of the Little Colorado in southeast (Arizona) and all through the mountain valleys of Utah between these north and south limits, covering an extent of country of eight hundred miles. He sent forth the message of the New Dispensation of the gospel to many lands, and gathered people from nearly all the nations of the earth to a modern Zion, where he taught them the art of being self-sustaining, until truly the Latter-day Saints, in fulfillment of Jo-



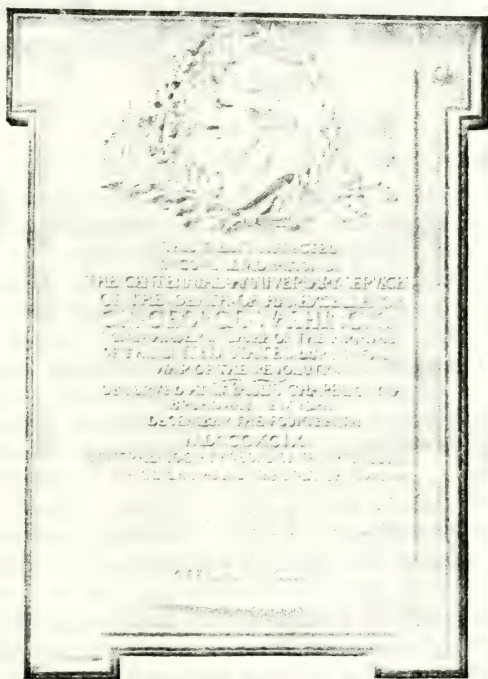


seph Smith's prediction, became a great and mighty people—a permanent community, in the midst of the Rocky Mountains.

*These achievements write down Brigham Young in history as the Greatest Pioneer and Colonizer of modern times—an empire founder; and place him easily among the first score of great Americans.*



February 3, 1915



TABLET IN ST. PAUL'S CHURCH, NEW YORK  
(This tablet is by Albert Weinert)



# AMERICANA

February, 1915

## Commemorative Tablets of Historic Sites of the Revolution and Some Revolutionary Relics

BY EDWARD HALE BRUSH.

ONE of the patriotic shrines in New York city connected with George Washington is St. Paul's Chapel at Broadway and Vesey St., and one of its ornaments is a tablet containing Washington's head sculptured in high relief. Beneath the head, which is modeled after the famous Houdon bust, is the following inscription:

"This tablet is erected in commemoration of the Centennial anniversary services of the death of His Excellency Gen. George Washington, Commander-in-Chief of the Armies of the United States during the War of the Revolution, observed at St. Paul's Chapel on the Broadway, New York, December the Fourteenth, MDCCCXCIX.

General Society  
of the Cincinnati

| Sons of the Revolution in  
| the State of New York.

On the left of Washington's head are the insignia of the Cincinnati and on the right of the Sons of the Revolution.

The dignity combined with simplicity of this tablet are eminently appropriate for a work of art commemorating the services of a man in whom these qualities were so conspicuous. The tablet is the design and execution of Albert Weinert, a sculptor who has also modeled several other tablets recently dedicated and associated more or less intimately with Washington's career as warrior or statesman. One is the tablet to General Nathaniel Woodhull erected last summer at Hollis, near Jamaica,

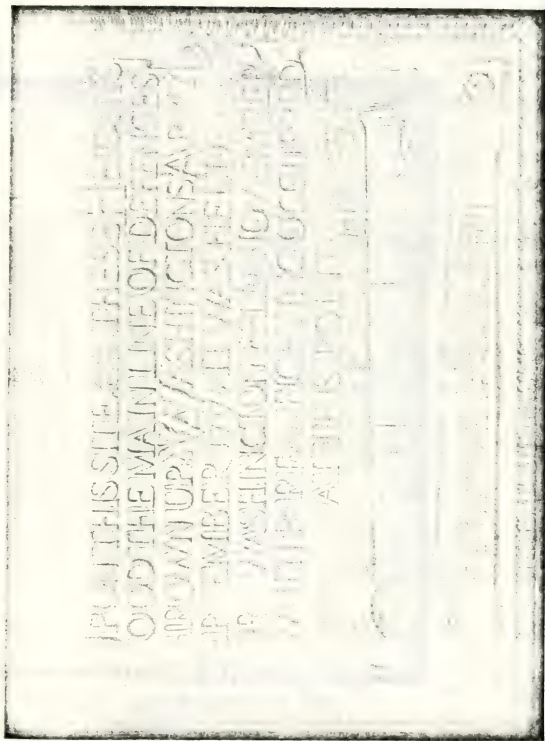




L. I., where Woodhull received his death wound while acting under Washington's orders at the time of the Battle of Long Island, in which Washington displayed such ability as a commander. The assault happened in front of an old tavern, even then venerable, and still standing, which, as tradition says, was afterwards visited by Washington when he made a trip through Long Island some years after the Revolution.

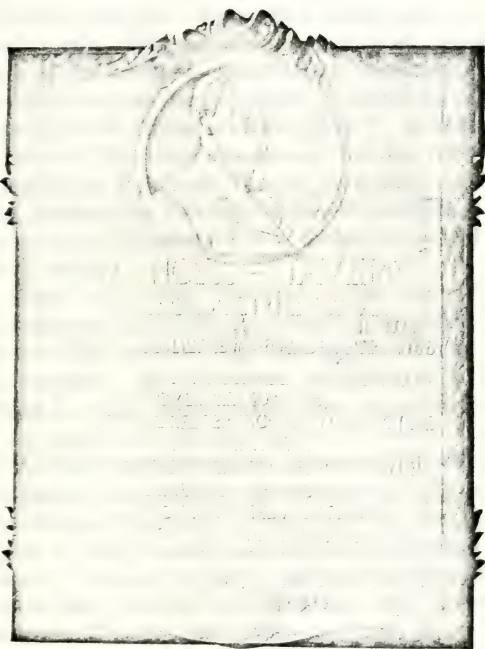
Among other memorials pertaining to Washington and the Revolution, by Mr. Weinert, are three associated with the operations of the commander of the Patriot forces on the upper end of Manhattan Island. One has the following inscription: "Upon this site and across these Heights stood the main line of defenses thrown up by Washington's Army September, 1776. It was held until Fort Washington fell on November 15 when part of the fighting occurred at this point. Erected by the Sons of the Revolution in the State of New York." The Revolutionary cannon which appears in this tablet is a most carefully studied piece of modelling in order that no mistake should be made in historical details and illustrates the accuracy which a conscientious artist like Mr. Weinert must attain in a work of this kind. In this consists its value from the historical standpoint. One finds that the sculptors who like this artist devote much attention to historical subjects are very painstaking students of all details which, though seemingly unimportant, have a bearing on correct portrayal of momentous episodes. Mr. Weinert's tablet on the grounds of New York University marking the site of a redoubt of Fort Independence is a beautiful artistic achievement and at the same time nobly expressive of the spirit of '76. The inscription reads: "To perpetuate the Glorious Memory of the Men of the Revolution. During the operations around New York in 1776 these heights were fortified by American troops. Defenses were erected from Fort Independence above to a point below. One redoubt stood within the grounds of this University. The great cause maintained by Washington and his companions in arms will forever be a source of inspiration. Erected by the Sons of the Revolution in the State of New York." The winged figure of the tablet typifies Ameri-





TABLET, WASHINGTON HEIGHTS, NEW YORK CITY  
(By Albert Weinert)





TABLET, FRAUNCES'S TAVERN  
(By Albert Weinert)

PROF. JOHNSON OF UW





can History placing the palm of victory upon Harlem Heights in honor of the heroes who battled there.

The third tablet contains another noble female figure together with the inscription: "To the Memory of the Men of the Revolution who in the Trying Days of 1776 stood undismayed by defeat and held their ground on these heights against a powerful enemy. On this site American troops encamped after the Battle of Harlem Heights. Here they entrenched, skirmished and kept their vigils. Here Washington, Putnam, Greene, and other heroes of the struggle cheered their spirits and roused them to noble exertion and final triumph. Erected by the Sons of the Revolution of the State of New York." A memorable scene connected with Washington's history was his farewell to his officers in 1783, at Fraunces Tavern, New York City, and in this building, restored by the Sons of the Revolution, as a memorial to Frederick S. Tallmadge, is a tablet to the latter, also Mr. Weinert's work.

The assault upon Gen. Woodhull which was one of the striking episodes of Washington's campaign on Long Island in the summer of 1776 was not long since made the subject of a noteworthy painting. In it is shown the old Hollis Hotel, built, it is claimed in 1710, before which the attack occurred. It also forms the background of Mr. Weinert's relief. There is now a project to keep this venerable structure, in which Sir Henry Clinton danced and which was associated with many Colonial and Revolutionary episodes, from decay or possible demolition, for a plan to tear it down and cut up the land in building lots was recently formed. If some way can be found to preserve it a Jamaica lady, Mrs. A. J. Wilkinson, who is descended from the Richard Wiggins, who built the hotel about two hundred years ago, has agreed to give for safe keeping there in the future the articles of furniture and curios inherited from her ancestors who occupied it and which are associated with Colonial times. The Woodhull tablet by Weinert bears the following inscription, composed by Prof. Johnston of the College of the City of New York:

"Erected by Sons of the Revolution in the State of New York, 1912. In memory of General Nathaniel Woodhull, Presi-



dent of the Provincial Congress in New York in 1775, who on August 28, 1776, was cruelly wounded by the enemy at Jamaica while co-operating with Washington on Long Island. He died a prisoner at New Utrecht, Sept. 20, 1776. Citizen, Soldier, Patriot of the Revolution."

Mr. Weinert is the sculptor of various other memorials relating to important episodes of American history but the foregoing have been chosen for illustration because they pertain to Washington or incidents closely associated with his career and indicate something of the valuable work being done by artists and patriotic societies, working in co-operation to place in the highways and byways daily reminders of the achievements of those who founded our nation.





SIR JOIM WENTWORTH, BART  
Governor of Nova Scotia, 1792-1808



LADY FRANCES WENTWORTH  
Wife of Sir John Wentworth





# Rhode Island Settlers on the French Lands in Nova Scotia in 1760 and 1761

BY ARTHUR WENTWORTH HAMILTON EATON, D. C. L.

## PART II

### THE TOWNSHIP OF WINDSOR

**T**HE most important town in the interior of Nova Scotia, westward from Halifax, is Windsor, the seat of King's College, the oldest colonial college of the British empire. As the settlement of Hants County progressed, the village of Windsor became not only the seat of government for the county, the "shire town," but the centre of its fashion and wealth. Seventy-five years ago the town of Windsor boasted that it had, on the whole, the most aristocratic society outside of England, and indeed its people were, for the most part, a well-bred and dignified set. The town of Windsor is picturesquely located near the mouth of the Avon, in full sight of the great tides that from the Bay of Fundy sweep daily into Minas Basin, and leave rich alluvial deposits on its winding shores. A great event in the early history of Windsor township, and indeed in the early history of Nova Scotia at large, was the establishment in Windsor village in November, 1788, under Anglican auspices, of an academy for boys, which was the nucleus of the present King's College. During the war of the Revolution, and at the establishment of peace, from thirty to thirty-five thousand Loyalists or Tories swept into Nova Scotia, and here in 1787 was established the first Colonial Diocese of the English Church. The first bishop consecrated for the diocese was Dr. Charles Inglis, who at the outbreak of the Revolution was Rector of Trinity Church in New York City, and



who brought to Nova Scotia<sup>1</sup> the highest educational ideals that up to that time prevailed in the diocese of New York, in which he had been a priest. The school Bishop Inglis founded at Windsor was opened in a house which had formerly been the private residence of Mrs. Susanna Francklin, widow of Hon. Michael Francklin, and which was then apparently owned by her and her son, Mr. James Boutineau Francklin. In 1789, the legislature, no doubt on Bishop Inglis's urgent petition, passed an act for the establishment of a still higher school of learning at Windsor, and two years later, in 1791, the still standing main building of King's College was begun, an imposing structure, though built of wood, with a dignified portico raised on high Doric pillars, noble grounds as a background and setting for which had been purchased a year before. For the building of the college the Imperial Government at first granted the sum of three thousand pounds, adding to this later the sum of fifteen hundred pounds.

King's college obtained its charter, May 12, 1802, and its first governors were Sir John Wentworth, Bart., Bishop Charles Inglis, Chief Justice Samson Salter Blowers, Alexander Croke, Judge of the Court of Vice Admiralty, Richard John Uniacke, Speaker of the Nova Scotia Assembly and Attorney General, and the Hon. Benning Wentworth, secretary of the province, with four others to be elected, one of whom was to be the president of the college. The charter was accompanied by an imperial grant of a thousand pounds per annum, which was continued until 1834. From 1790 to 1803, before the charter was obtained, the college had in all two hundred graduates; from 1803 to 1810, twenty-one; from 1810 to 1820, fifty-one; from 1820 to 1830, sixty-nine; and from 1830 to 1840, forty-eight. Of this number, fifty-four in all became clergymen. Among the famous pre-charter students of King's were Major-General James Robertson Arnold, Colonel deLancey Barclay, Sir James Cochran (later Chief Justice of Gibraltar) and General William Cochran,

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1. Dr. Inglis was consecrated at Lambeth in August, 1787, and came to Nova Scotia immediately afterward. For several years before his consecration he had been living in England. The Diocese of Nova Scotia at first included Upper and Lower Canada, the three Maritime Provinces, and also Bermuda and Newfoundland.



his brother; the Hon. Henry Hezekiah Cogswell of Halifax, Colonel Sir William F. deLancey, K. C. B., Hon. Charles Rufus Fairbanks, Lieut.-Col. William Hulme, Judge Richard John Uniacke, Rt. Rev. Dr. John Inglis, third bishop of Nova Scotia, Hon. Sir James Stewart, Kt., Attorney-General of Lower Canada, and Rev. Benjamin Gerrish Gray.<sup>2</sup>

The beautiful country bordering the Pisiquid or Avon river, which in 1764 was legally incorporated as the township of Windsor, began to have special attractions for the settlers of Halifax almost as soon as Colonel Cornwallis and his company landed at Chebucto Bay. It was not many years, therefore, before applications for land in the region were secured by persons of influence, like members of Council or army officers who had previously done service in ridding Nova Scotia and Cape Breton of the French. "Writing to the Society for the Propagation of the Gospel in 1826, the Rt. Rev. Dr. John Inglis, third bishop of Nova Scotia, says of Windsor village: "It is beautifully situated, and would attract attention in the richest parts of England." And such glowing praise of Windsor's natural fertility and beauty cannot be regarded as at all too high. The most con-

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2. A fuller account of the establishment of King's College will be found in this writer's "The Church of England in Nova Scotia and the Tory Clergy of the Revolution" The founding of the college brought many cultivated people permanently to Windsor, and before long the great beauty of the town and its comparative nearness to Halifax led others, for the most part people of some means who had more or less connection with the capital, to purchase estates there and make the town their home. Among such families, toward the middle of the 19th century, were the Bowmans, whose estate was called *Spa Spring*, the Butlers, who owned *Martock*, the Cunninghams who lived at *Saulsbrook Farm*, the Frasers, who occupied *Gerrish Hall*, the Haliburtons who lived at *Clifton*, and the Kings, whose place was known as *Retreat Farm*, while across the meadow, through the trees, nearly on the site of the early church of the Acadian French, rose the wooden tower of quaint Christ Church, where they all worshipped on Sunday. On the front of the gallery of the church, at the west end, rested the British Arms, while near the chancel, at the right, stood the great square pew with a table for the prayer books, devoted to the Governor's use when he should be there. The college Encoenia, which always took place in June, was attended with great eclat. Thither came, in state, from Halifax the Governor and his staff, the Chief Justice, the Attorney-General, the Bishop, and often distinguished army officers and their wives. For many years at the time of the Encoenia the Frasers gave a ball at Gerrish Hall, which was a brilliant affair, but all the year through there were agreeable dinners and tea-drinkings, at *Martock*, and *Clifton*, and *Saulsbrook Farm*, and other places, at every one of which people drank excellent wines, sang good English songs, danced stately minuets and quadrilles, and played religiously, like all English gentlefolk, their after dinner rubbers of whist. On Sundays they never failed to occupy their places in the Parish Church, where they prayed as in duty bound, for the king, and listened, let us hope with profit, to the practical discourses of their rectors, delivered with precision from the high pulpit on the chancel's left.





spicuous early grant in what later became Windsor township was what is still remembered as the "Councillors' grant." On the 28th of August, 1759, seven members of the Council at Halifax received here a grant of 7,000 acres, these gentlemen being Messrs. Jonathan Belcher, Benjamin Green, John Collier, Charles Morris, Richard Bulkeley, Thomas Saul, and Joseph Gerrish.<sup>3</sup> The plan of the grant allots to the grantees the whole of the area west of Fort Edward hill and south of the Avon river, for a distance varying from one to two miles south and three miles west. The area is divided on the plan into twenty-eight lots, of which four lots are assigned to each grantee, Hon. Joseph Gerrish's being the lot next to Fort Edward, extending as far south as the spot occupied by the old parish church.<sup>4</sup> In the record at Halifax of the Councillor's grant, the tract is described as "situate, lying and being on Pisiquid River, beginning on said River, and thence running south 30 degrees east 9 chains to the upland on which the Fort at Pisaquid stands, and bounded by the said upland, thence running to the bridge on the Road from said Fort to Halifax, and on the said Road according to the course thereof, measuring in Distance from the said River four miles, and from the first bounds on Pisaquid River to be bounded by the said River to measure in a straight line 240 chains, and from thence on the said River to run back south 30 degrees East four miles, and from thence course north 60 degrees East to the boundaries on Halifax Road." In the grant were included all mines unopened except gold, silver, precious stones, and lapis lazuli. On the first of September, 1759,<sup>5</sup> another large grant, previously mentioned, was given to Joshua Manger, Michael Francklin, Isaac Deschamps, Charles Proctor, William Saul, Moses Delesdernier, and Gideon Deles-

3. The grant like all others of this period bears the signature of Richard Bulkeley, secretary of the province. It was registered September 27, 1759. See Old Registry Book, pp. 68, 69. Of the grantees, Belcher, Green, Morris, Gerrish, and probably Saul, had come from New England.

4. See Professor Hind's "Old Parish Burying Ground," pp. 22, 23, 55. Gerrish's lot, says Dr. Hind, "is bounded on the east by the path from Fort Edward to Halifax, after the path leaves Fort Edward hill." The plan shows, says, Dr. Hind, that the Councillor's grant "covers the whole of the land west of Fort Edward hill now included in the town of Windsor." The parchment plan, he says, is owned by Mr. P. Burnham of Windsor.

5. Old Registry Book, at Halifax, pp. 70-72. The grant was registered September 28, 1759.



dernier. It is described as a tract of land situate, lying and being within the District of Pisiquid, beginning "at the North East end of the land called Burying Island, near the foot of Pisaquid and bounded North Easterly by the River St. Croix, and to proceed up the River Till it meets with the Lands lately granted to William Tonge and others, and to be Bounded south Easterly by the said Tonge's Lot, and to proceed according to the Course of the North Bounds of said Tonge's Lot, being West 15 degrees south from the River St. Croix, Till it meets the Road leading to Halifax, and to be bounded south westerly by the said Road, to proceed along the said Road to the Bridge called the Fort Bridge and from thence to the Bounds first mentioned, Preserving all the uplands on which the Fort stands for the use of the said Fort, containing in the whole by Estimation 2,500 acres, more or less." In this grant, also, all mines unopened, except gold, silver, precious stones, and lapis lazuli, are included. The distribution of the land was as follows: to Joshua Mauger, Michael Francklin, Isaac Deschamps, Charles Proctor and William Saul, one-sixth each; to Moses and Gideon Delesdernier one-twelfth each. The size of the tract is not specified in the grant.<sup>6</sup>

The township of Windsor, which Bishop John Inglis in 1826, in his letter just referred to, says comprised seventy-eight square miles, and at that time had a population of 2,000 souls, was organized largely of the areas described above, and probably other tracts of greater or less extent, on the 24th of December, 1764.<sup>7</sup> At a meeting of the Council held on that date it was resolved that "that part of the tract of land formerly called Pisiquid, on the South-east of the River commonly known by the name of Pisiquid River, in the Province of Nova Scotia, shall be erected and incorporated into a township, hereinafter to be known and called by the name of Windsor, the limits and bounds

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6. It is impossible without critical examination to be sure of the exact location of some of these Hants County grants, it may be that this grant transcended the limits of Windsor township and ran into Newport.

7. On the 29th of August, 1759, Hon. Benjamin Gerrish and others had a grant of 1,400 acres at "Pisiquid River," and as Gerrish when he died had a farm at Windsor we suppose that his part of this grant was in Windsor township. On the same date Edmund Crawley of Halifax received a grant of 1,400 acres at "Pisiquid River."



of which township shall be as follows, that is to say: To begin from the South-western limits of lands commonly called the Justices lands, and extending from the South-west limits of such lands to the River Pisiquid, and thence to be bounded by the River Pisiquid till it meets with the River St. Croix, and thence by the River St. Croix till it meets the bridge on the Public Road or Highway, and from the said bridge thence by the Common Highway leading from Pisiquid to Halifax, till it comes to lands granted to William Piggot, and to be bounded by the said Piggot's farm, and thence South-west till Thirteen miles be completed from the said Common Highway, and from the end of the said Thirteen miles to run North-westerly till it meets the South-west limits of the said land commonly called the justices lands, which limits shall hereafter be reputed to be the established boundaries of said township of Windsor."<sup>8</sup>

That part of the district of Pisiquid that was organized into the township of Windsor in 1764, thus comprised only lands that had not been included in the township of Falmouth and Newport, and that, as we have intimated, had probably nearly all been distributed to men who had been prominent in military service in the province or who occupied positions of influence at Halifax. In June, 1773, says Murdoch,<sup>9</sup> Lord William Campbell, who was then governor of the province, declared in Council his intention of reserving for himself a tract containing about twenty-one acres, around the hill at Windsor, "on which the fort formerly stood," and this act, says Dr. Hind, "disposed of the entire area west of the path or road to Halifax."<sup>10</sup> The new settlers, when they built houses on their grants, as they undoubted-

8. Council Book, Letter C, folio 515. Dr. Hind (p. 9) says that the township of Windsor as represented on the county map differs in some particulars from the description here. It is frequently noted that the Council declared the township of Windsor to be in the county of Halifax, but since we know that until 1781 it was always in the county of King's we are unable not to believe that Halifax was written in the Council minutes by mistake for King's. Dr. David Allison, in the Collections of the Nova Scotia Historical Society, Vol. 7, p. 67, says: "A letter preserved in the Deschamps collection, written by the widow of Col. Winckworth Tonge, of Beauséjour celebrity and proprietor of one of the largest Windsor estates, affirms that residents of Windsor were always electors of King's County, though it seems to imply that to exercise their franchise they had to cross the river [Avon] to the neighboring township of Falmouth." The village of Windsor, however, was for a certain number of years, we do not know how many, the headquarters of probate registration for the whole county of King's.

9. Murdoch's History of Nova Scotia, Vol. 2, p. 510.

10. "Old Parish Burying Ground," p. 23.







ly soon began to do, built them chiefly on the slopes of Fort Edward hill, on the west side, and thence toward the settlement now known as Clifton.

Describing the township of Windsor and its great fertility and beauty, Judge Haliburton says: "That portion of it which fell into the hands of resident proprietors was divided among a few individuals, and thus was introduced a system of tenancy, which in Nova Scotia neither contributes to the improvement of the soil nor the profit of the landlord."<sup>11</sup> This system of tenant farming seems to have prevailed in Windsor as nowhere else in Nova Scotia, the farmers being in great part, it would appear, North of Ireland settlers who had come into the province in 1761 through the efforts of the adventurous colonizer, Alexander McNutt. In 1760, as is well known, McNutt helped organize a colony of North of Ireland people who were living in Londonderry, New Hampshire, to settle Truro, Nova Scotia, but in 1761 he brought out a group of settlers direct from Ireland itself, most of whom finally located in Londonderry, Colchester County, some, however, either late in 1761 or early in 1762, settling in other townships, a not inconsiderable number planting themselves in Windsor and Newport.<sup>12</sup> In 1766, Lieutenant-Governor Francklin made a census of Nova Scotia, and by this census we are able to determine the number of people ranking as of Irish birth then in the various townships. At Windsor, out of a population of 243 souls, sixty-three are given as of Irish origin, in Falmouth, out of a population of 292, twenty are so given, while in Newport, out of a population of 279, seventeen rank as Irish.<sup>13</sup> Among these Irish settlers in Hants County,

11. "An Historical and Statistical Account of Nova Scotia," (1889), p. 100.

12. See a monograph on "The Settling of Colchester County, Nova Scotia, by New England Puritans and Ulster Scotsmen," published by the writer of this paper in the *Transactions of the Royal Society of Canada* in 1912, and one on "Alexander McNutt the Colonizer," in the New York historical magazine *Americana*, for December, 1913, by the same writer. McNutt reached Halifax with his first company from Ireland, October 9, 1761. Some of the people he brought stayed in Halifax, some went to Amherst, Newport, and Windsor, but a larger number than went elsewhere settled in Londonderry. The people who went to Londonderry went probably by way of Windsor.

13. Of the other King's County townships, Horton with a population of 634, and Cornwallis with a population of 727, received virtually none of these Irish settlers. The Allisons and Magees, however, of a later small group of Irish settlers, did settle further west in King's County.



chiefly in Windsor, were families, named Caldwell, Clarke,<sup>14</sup> Curry, Dill, Elder, Hunter, Jenkins, O'Brien, Palmer (probably), Patterson, Spencer, and a certain family named Ellison or Allison, the head of which was Matthew Ellison or Allison, who bore no known relationship to the founder of the distinguished Allison family of Nova Scotia.

In 1769, another small group of North of Ireland people, including the founders and their children of the well known families of Allison, Magee, McColla, McCormick, McHeffey, and Miller, embarked at Londonderry, Ireland, for Lancaster County, Pennsylvania, where many of their friends and relatives had previously gone. The vessel in which they crossed the Atlantic meeting with some misfortune off the coast of Sable Island, these voyagers took refuge in Halifax, and were induced to remain there. Before long we find them established chiefly in and about Windsor and Newport, some of them, however, pushing on to Horton and even farther west in King's County. A family of Cunninghams, who were long known in Hants, and Halifax, and Antigonish, came from Roscommon, Ireland, but earlier than the McNutt settlers, the vessel in which they sailed being wrecked and sinking somewhere off Sable Island. It is possible that the McCollas were in their company and not in the later one, to which belonged the Allisons and McHeffeyes. The importance of both the Allison and McHeffey families in Hants County is a matter of common knowledge, while of McNutt's settlers, families of Clarkes, Currys, Elders, Jenkinsses, and O'Briens have held no less prominent places.<sup>15</sup>

One of the most conspicuous early settlers in Windsor, the proprietor there, indeed, who occupied the highest position among the local aristocracy and wielded the strongest influence, was the Hon. Michael Francklin, whose mercantile busi-

14. John Clarke of Windsor we suppose was of the McNutt emigration. He married, probably in Windsor, Eleanor Palmer, and had children born as follows: Catharine, November 8, 1766; Jane, June 3, 1768; William, October 18, 1770, (died September 14, 1775); Mary, August 30, 1772; Elizabeth, December 23, 1774; Isabella, November 14, 1776; Eleanor, August 22, 1778; Susanna, June 23, 1780; John Palmer, July 5, 1785.

15. Dr. Hind (page 35), gives the following as members of the Presbyterian congregation and subscribers to the building of the meeting house, in Windsor, October 9, 1824: John Clarke, Esq.; Robert McHeffey, Nathaniel Jenkins, Matthew Allison, Richard McHeffey, James Robertson, Ludovick Hunter, Alexander Dill, John Jack, William Edwards, John Murray, Joseph Caldwell, and Hugh Jenkins.



ness was at Halifax, where indeed his official duties kept him for much of the year, but whose favorite residence was in the Hants County shire town. On his extensive farm in Windsor he early built a roomy mansion, and there, for a great portion of his busy life, with his large family he spent as much of the year as he could. Staunch supporters of the Church of England, he and his wife and children, as we have intimated, actively promoted the Anglican cause in the Windsor community, and to his generosity the parish owed the land which Christ Church and the churchyard occupied.<sup>16</sup> Mr. Francklin was a native of Devonshire, England, who late in 1752, as a young man, migrated to Halifax, and began business as a dealer in liquors. He was not only enterprising, but well educated, dignified, and genial, and he had signal ability for the management of affairs, and from selling spirits he soon enlarged his business to selling breadstuffs and fine wines, and to the exportation of dry fish to Naples. He also came to take large contracts for furnishing supplies to the army and navy at Halifax. In this general business he finally amassed a large fortune and thus became a recognized power in the province. Gradually he entered into public affairs, and in 1762 was made a member of the Council. May 23, 1766, Hon. Colonel Montague Wilmot, governor of the province died, and on the 23d of August, 1766, Mr. Francklin was sworn lieutenant-governor, Hon. Benjamin Green having in the meantime administered the government. On the 27th of November, 1766, the Right Honourable Lord William Campbell, youngest son of the fourth Duke of Argyle, was sworn governor, but during this interval Mr. Francklin held chief command. On Lord William's assumption of the governorship, Mr. Francklin was continued as lieutenant-governor, and in this office he remained until 1776, in the meantime having been appointed also (August 13, 1768) lieutenant-governor of Prince Edward Island. During his ten years incumbency of the lieutenant-governorship, Mr. Francklin was obliged to exert a high degree of control in public affairs, and his influence was always exercised with in-

16. The deed of this land specifies that it is given "for the purpose of erecting thereon a church or place of public worship conformable to the Established Church of England, and for a place of Interment, Burying Ground, or Grave Yard, for the use of the Christian People of the said township of Windsor."







telligence and wisdom. He died November 8, 1782. In a highly interesting monograph on Mr. Francklin in the 16th volume of the Collections of the Nova Scotia Historical Society, Mr. James S. Macdonald writes: "Francklin was a man of great personal magnetism, combined with courage, integrity, energy, and independence. His were the qualities which were necessary to a leader. His splendid example and many virtues were strongly impressed on his own and possibly the immediately succeeding generation."

Hon. Michael Francklin married in Boston, February 7, 1762, Susannah Boutineau, elder daughter of James and Susannah (Faneuil) Boutineau, and niece of Mr. Peter Faneuil, the princely Boston merchant who built Faneuil Hall. Mrs. Francklin died at Windsor, April 19, 1816, in her 76th year. The Francklins had children born as follows: James Boutineau, July 31, 1763; Elizabeth Mauger, September 3, 1764; Susanna, August 23, 1765; Ann, August 31, 1767; Joshua Mauger, September 1, 1769; Michael Nickleson, August 20, 1773; John Robinson, July 6, 1774; George Sackville Germaine, January 15, 1777; Mary Phillips, October 7, 1779; Sarah Nickleson, December 21, 1780.

The earliest of all conspicuous traders in Windsor was Joshua Mauger, an enterprising English Jew, who before the founding of Halifax, with Louisburg as headquarters, traded with the French population of Cape Breton and Nova Scotia, and at some time, we do not know precisely when, established truck houses at Windsor, Grand Pré, and Annapolis Royal. A prince of smugglers, he is also said to have been for years the great intermediary between the French government and the inhabitants of Acadia, both French and Indian, and next to the priest Le Loutre the most mischievous influence in Nova Scotia with which the government had to deal. Notwithstanding this, when, very rich, he finally retired from business and returned to England to live, he was made London agent for Nova Scotia, a position he filled for several years. His only daughter was married to the Duc de Brouillan, who lost his head in the French Revolution. Mauger's history has been interestingly told in print in the 12th volume of the Collections of the Nova Scotia Historical



Society.<sup>17</sup> How soon after the expulsion of the Acadians Mauger ceased trading at Windsor we do not know, but he was there at the expulsion, for just previous to the event Governor Lawrence ordered Captain Murray at Fort Edward to cut off communication between the inhabitants and "Mr. Mauger's people."<sup>18</sup> In 1776 the site of the parish Church in Windsor, which had already been given by Hon. Michael Francklin for Church use, was somehow, with other property, deeded to him, but on the 6th of February, 1785, he made over the two acres it and the churchyard comprised to James Boutineau Francklin, in order that the original intention of Hon. Michael Francklin might be carried out.

A name conspicuous in the early annals of Windsor is the name Deschamps. Isaac Deschamps, who became Nova Scotia's third chief-justice, like Moses Delesdernier was a Swiss, but how or precisely when he migrated to Nova Scotia, or who he married, we do not know.<sup>19</sup> As a young man he was a clerk in Joshua Mauger's "truck house" at Windsor, and in 1754, it is said, he assisted Captain Murray in suppressing disturbances among the French in that vicinity. In 1759, as we have seen, his name appears on a large grant at Pisiquid, and on the 16th of June, 1760, Governor Lawrence appointed him "truckmaster" at Fort Edward and for King's County, for carrying on commerce on behalf of the government of the province with the Indians, Moses Delesdernier having been similarly appointed November 12, 1757. In 1761 his name appears on the general Newport grant, and the same year he was elected a member of the Assembly for West Falmouth, and also one of the justices of the court of common pleas. In 1768 he was appointed by Lieutenant-Governor Francklin a judge of the Supreme Court in Prince Edward Island (St. John Island), and in 1770, assistant judge of the Supreme Court of Nova Scotia in place of Judge John Dupont. October 6, 1783, he was admitted to the Council, and on

17. See also Eaton's "History of King's County, Nova Scotia," pp. 40, 200.

18. See Col. John Winslow's Journal, published in the 3d volume of the Collections of the Nova Scotia Historical Society. It is likely that his truck house was taken over in 1757 by Moses Delesdernier, for in 1757 Delesdernier received a license to trade at Pisiquid.

19. An Isaac Deschamps, son of Isaac, was born in Boston, 10 Nov., 1674, and baptized in the Old South Church parish, 15 Nov., 1674.



the death of Chief Justice Bryan Finucane was promoted, April 21, 1785, to the chief-justiceship. In 1787, with Judge James Brenton, a native of Rhode Island, he was accused of "improper and irregular" administration of justice, and was involved in a trial which was terminated in his favour by the Privy Council in England in 1792.<sup>20</sup> In the course of the proceedings he resigned the chief-justiceship, his successor, Jeremiah Pemberton, being commissioned chief-justice August 19, 1788.<sup>20½</sup> Great indignation was felt at the impeachment of Deschamps and Brenton, of the former of whom a contemporaneous writer says that "a gentleman of a more tender and benevolent heart than Justice Deschamps does not at this day exist in Nova Scotia," and whom he calls "the good old man." Isaac Deschamps married as his second wife, Sarah Ellis, second daughter of Dr. Edward Ellis by his first wife, and younger sister of Mrs. Edward Watmough. He died, but whether at Halifax or at Windsor we do not know, August 11, 1801, "upwards of 79 years old."

George Deschamps, son of Isaac, was Judge of Probate for Hants County (it is said immediately succeeding his father in that office), and generally one of Windsor's most important men. Until a few years ago the stone foundations of his house, on the west slope of Fort Hill, could still be traced. The oldest tombstone yet discovered in the old Windsor Churchyard, says Dr. Hind, bears the names and dates of death of Elizabeth, wife of George Deschamps, who died in 1779, her son George, who died in 1776, and her daughter, Sarah, who died in 1778. He is said to have married a daughter of James Monk, of Boston and Halifax, and his wife Ann (Deering). The plaster trade of Newport, that for many years has been one of the chief industries of Hants County was started by George Deschamps.<sup>21</sup>

Among the group of young British born men at Annapolis

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20. These judges were impeached by two attorneys, Messrs. Sterns and Taylor, who before long were disbarred for statements they had made in a newspaper, which were considered slanderous. See Murdoch's History of Nova Scotia, Vol. 3, p. 101.

20½. His patent was read October 21, 1788, when he opened the Supreme Court.

21. The Boston *Independent Chronicle* of February 4, 1802, says: "It is said that discovery has been made of the earth called Plaster of Paris, of the most useful quality, equal to any in Nova Scotia. It was discovered near Newton, Sussex County, New Jersey."





Royal in 1731 was Samuel Cottnam, who in 1734 is spoken of as Ensign Samuel Cottnam, and who we suppose at the latter date, at least, was a young officer in the 40th regiment.<sup>22</sup> December 18, 1731, he was dispatched by Lieutenant-Governor Lawrence Armstrong, with full powers to treat with the French inhabitant of Pisiquid and Cobequid for provisions for Annapolis Royal,<sup>23</sup> and in the same year he is spoken of as deputy collector. In 1732 he was sent to help build a magazine at Minas, and in 1734 from Minas he wrote Armstrong giving him an account of clandestine trade carried on there. September 30, 1734, John Hamilton, deputy collector at Annapolis, was ordered to go in the sloop *Mary* to St. John to prevent illicit trading there and Ensign Cottnam was authorized to seize vessels, etc., for the same purpose.<sup>24</sup> At some time in his career at Annapolis he married Deborah How, daughter of Captain Edward and Mary Magdalene (Winniett) How, whose tombstone in the Windsor churchyard calls her "Mrs. Deborah Cottnam, wife of S. Cottnam, Esq., long an officer in His Majesty's service."<sup>25</sup> On the 15th of October, 1754, he was commissioned captain of the 40th regiment. He received grants in Hants County as follows: August 27, 1764, 1,000 acres on Windsor Road; April 8, 1768, 500 acres somewhere in the township of Newport. How many children Samuel and Deborah Cottnam had we cannot tell, they had one daughter, "Grissey Elizabeth," baptized in King's Chapel, Boston, December 19, 1755; and probably others.

On the relationship of George Cottnam to Samuel Cottnam

22. Nova Scotia Archives, Vols. 2 and 3.

23. From the organization of the 40th regiment at Annapolis Royal in 1717, (see Murdoch's History of Nova Scotia, Vol. I, p. 351) the officers of the regiment were in great measure young British born men of good family who had come to America to seek their fortunes. The history of this regiment, the "Fighting Fortieth" is in print, and an important reference to the regiment will be found in the Calnek-Savary History of Annapolis, pp. 183, 184. From 1717 until 1758, part of the regiment, at least, was held at Annapolis to garrison the fort there; in 1758 it was drawn off to assist in the second taking of Louisburg. For many of its officers, see Worthington C. Ford's list of British officers serving in America between 1754 and 1774, printed in the N. E. Hist. and Gen. Register, Vols. 48, 49. The regiment is now the First Battalion Prince of Wales Volunteers (South Lancashire regiment).

24. Murdoch's History of Nova Scotia, Vol. I, p. 501.

25. For an admirable sketch of Captain Edward How and his family, see the Calnek-Savary History of Annapolis, Nova Scotia, pp. 527-534. How was a New England man who settled early at Annapolis Royal, and his murder at Chignecto in October, 1750, was a tragical event. For the inscription on Mrs. Deborah Cottnam's tombstone, see Hind's "Old Parish Burying Ground," p. 6.



we have no clear light. June 30, 1742, George and Margaret Cottnam had a son John baptized in King's Chapel, Boston, and September 5, 1746, George Cottnam was commissioned a first lieutenant of the 40th regiment. In 1768, Murdoch tells us, as the troops were to be withdrawn from Louisburg, George Cottnam "as a person of courage and resolution" was appointed "to keep the peace and execute the laws in the island of Cape Breton."<sup>26</sup> The three Cottnam sisters, Mary, Henrietta Maria, and Martha, who became respectively the wives of Captain, Major, or Colonel George Scott, Dr. George Day of Mantua, and Colonel Winckworth Tonge, were probably his and not Samuel Cottnam's daughters. May 14, 1782, a Susanna "Cotman" was buried in St. Paul's parish, Halifax.

A family that came early to Windsor was the Cunningham family. John Cunningham, supposed to have been an Irishman, appears in Halifax on the 7th of April, 1761, on which date he buys a house and lot on Argyle street, for £ 142. currency. On the 28th of May, 1763, he bought lots in the south suburbs of the town, for £ 20. On the 6th of October, 1763, he bought land in the north suburbs, for £ 233.6.8, and on the 20th of December, 1777, he bought lot No. 10 in Mr. Forman's division for £ 25. On the 24th of March, 1769, he was appointed Commissioner of Indian affairs, for the duties of which office he was to receive ten shillings a day. His tenure of the commissionership lasted until October 4, 1773, when he gave the office up. The Nova Scotia treasury at this time was low and his salary was not paid, so he was at last obliged to appeal to the Right Honourable the Lords Commissioners of His Majesty's Treasury.

At some period in his career among other purchases of land out of Halifax, Mr. Cunningham had bought "Saulsbrook farm," at Windsor, a property that had originally been granted to Thomas Saul. In his will, dated June 1, 1785, he leaves this farm, as indeed most of his property, to his three children, Captain John Cunningham, Ensign Richard Cunningham, and Mrs. Elizabeth Boyd, wife of George Frederick Boyd, Esq. His will mentions also his mother, Mrs. Elizabeth Cunningham, his sisters Jane and Magdalen, and his servant James Daly. His

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<sup>26</sup> Murdoch's History of Nova Scotia, Vol. 2, p. 479.



wife's name was Elizabeth, but she must have died before his will was made.

Of the two sons of John Cunningham, Captain John held a commission in the Loyal Nova Scotia Volunteers, but of his career we know very little, and of his wife and children if he ever married, nothing. Of Richard Cunningham we know more, he was commissioned ensign in the Loyal Nova Scotia Volunteers on the 7th of December, 1781, and he purchased many properties, principally in Hants County, among these, April 17, 1800, the Winckworth estate, "two parcels of land, beginning at the mouth of a creek on the river St. Croix," from Hon. Alexander Brymer and Harriet his wife. For this valuable property he gave £2,700. He married "at the seat of Sir John Wentworth, Bart." (probably the "Lodge," near Halifax), 22 August, 1809, Rev. Dr. Benjamin Gerrish Gray officiating, Sarah Apthorp Morton, eldest daughter of Hon. Perez Morton, of Boston, and grand-niece of Lady Frances Wentworth, born June 2, 1782, died July 14, 1844. Richard Cunningham made his will July 15, 1824, and died some time before July 1, 1835, when his daughters, Eliza Deering Boyd Cunningham and Frances Sarah Wentworth Cunningham, applied for certain parts of his estate. He had children: Griselda Eastwick, born August 16, 1810, married Rev. Joseph Hart Clinch; Perez Morton, born May 2, 1812, graduated B. A. at King's College, Windsor, in 1832, died unmarried, January 21, 1866; Eliza Deering Boyd; Frances Sarah Wentworth, married Rev. John Storrs; Charlotte, born Dec. 23, 1817, married Dr. Howard Sargent of Boston; John, born June 30, 1820, educated at King's College, Windsor, died unmarried April 6, 1851.

A family of recognized importance in Windsor for many years was the DeWolf family, founded there by Benjamin DeWolf, born in Lyme, Connecticut, October 14, 1744. Benjamin's father, Simeon, was one of the grantees of Horton, but Benjamin himself in early life settled in Windsor. There he married, March 16, 1769, Rachel Otis, a daughter of Dr. Ephraim Otis, of Scituate, Massachusetts, and sister of Susannah Otis, wife of William Haliburton of Newport and Windsor. The DeWolfs had children: Sarah Hersey Otis, born May 14, 1770, married





to Nathaniel Ray Thomas, Jr.; Rachel Hersey, born January 7, 1772, died March 1772; Rachel Otis, born February 1, 1773, married October 14, 1802, to Hon. James Fraser, M. E. C., born in Inverness, Scotland, their eldest daughter becoming the wife of Hon. Charles Stephen Gore, G. C. B. and K. H., third son of the 2d Earl of Arran; John, born and died June 1, 1775; Susanna Isabella, born June 17, 1776, died September 25, 1777; Frances Mary, born February 23, 1778, died November 17, 1791; Isabella Amelia, born October 2, 1779, married August 1, 1821, to Captain John McKay, H. M., 27th regiment; Harriot Sophia, born September 8, 1781, married September 17, 1799, to Rev. William Colsell King, Rector of Windsor.

Another family of note in Windsor was the McHeffey family, the founders of which came from Ireland with the Allisons, Magees, McCollas, McCormicks, and Millers, in 1769. This family was not limited to the township of Windsor, but spread into other townships as well. Richard McHeffey and his wife Mary (Caulfield), who were probably married in Ireland in 1756, had children recorded in Windsor (though some of them were of course born in Ireland): Robert, February 22, 1758; Daniel, February 19, 1763; William, August 10, 1765; George Henry, February 6, 1771; Richard, December 26, 1773; James, April 9, 1776; John, November 21, 1778; Joseph, March 4, 1781.

An important family in Windsor after the Revolution was that of Nathaniel Ray Thomas, born in Marshfield, Massachusetts in 1731, whom Governor Gage appointed one of his mandamus councillors (though he never took the oath), who went with Howe's fleet to Halifax, was proscribed and banished and had much of his estate in Massachusetts confiscated, and who died at Windsor September 19, 1787. His wife, whom he married in Boston (intention recorded November 7, 1754), was Sarah Deering, an aunt of Lady Frances Wentworth; she died at Windsor in 1810, aged 78. Mrs. Thomas was a lady of recognized worth, and on her death Mrs. Richard Cunningham wrote:

"O, snatched too soon, ere love could find  
One life-bound hope decay,  
Ere time or sorrow from thy mind  
Could steal one charm away.



"For though around thy fading brows  
The wintry storms had prest,  
Yet all that cheerful summer knows  
Was pictured in thy breast;

"Still flashed the eye—and sparkling played,  
More than could lips express,  
And still the melting smile displayed  
A soul of tenderness.

"That soul by sense and judgment moved,  
By virtue's self inspired,  
Thou wert in every scene beloved,  
Through every change admired.

"Though at thy heart so oft were driven  
The arrows of Despair,  
The tearful eyes were raised to Heaven  
And shielding Faith was there."<sup>27</sup>

The will of Nathaniel Ray Thomas, made at Windsor June 8, 1787, and proved October 5, of the same year, mentions six children, in the following order: Nathaniel Ray, Jr., John, Sarah Deering, Mary, Elizabeth Packer, and Charles. Of the exact order of their births, however, we are somewhat uncertain, Nathaniel Ray, Jr., was born perhaps in 1755, John we know was born August 30, 1764, and Charles probably in 1772. We should suppose, therefore, that the three daughters came between Nathaniel Ray, Jr., and John.

Of these children, Nathaniel Ray, Jr., married at Windsor, Sarah Hersey Otis DeWolf, born May 14, 1770, a daughter of Benjamin and Rachel (Otis) DeWolf. In mature life he became *custos rotulorum* and collector of customs at Windsor.<sup>27½</sup> His death occurred at Windsor, August 12, 1823. His children that we know of were, Charles Wentworth, an officer in H. M. 81st regiment, and Sarah Rachel (an only daughter), who was married January 30, 1828, to Judge Lewis Morris Wilkins, Jr., of the Supreme bench of Nova Scotia (born at Halifax, May 24, 1801, died at Windsor March 14, 1885).

<sup>27</sup>. "Memorials of Marshfield" says: She left an "excellent character at Green Harbour. During the direful 'dearth of bread,' at one period of the war, she fed the very people from whom, in the warmth of party feeling, she had met with much indignity."

<sup>27½</sup>. On the 24th of April, 1789, the grand jury of the sessions of the peace for Hants County made a presentment that "George Henry Monk, Esq., and Mr. Nathl. R. Thomas had neglected to attend divine worship for the space of three months, to the evil example of society." Whereupon Mr. Thomas was fined ten shillings, and Major Monk "traversed the presentment on technical grounds and escaped the fine. See "Old Parish Burying Ground," p. 66. This reference is of course to Nathaniel Ray Thomas, Jr.



John Thomas, known as Captain John Thomas, was born at Marshfield, and after he had grown up returned from Nova Scotia and settled there, on property of his father's that had not been confiscated. He married in Pembroke, Massachusetts, first Lucy Baker, secondly Lucy Turner, by his two marriages having nine children, the youngest of whom was named for his grandfather and uncle, Nathaniel Ray.<sup>28</sup>

Charles Thomas, born probably in 1772, was a lieutenant in H. M. 7th Royal Fusiliers regiment, at that time commanded in Nova Scotia by His Royal Highness, Prince Edward, Duke of Kent, Queen Victoria's father. Lieutenant Thomas was accidentally shot by a brother officer, at an inn not many miles from Halifax, where both officers were resting after a successful hunt for a deserter, and died at Government House, Halifax, August 16, 1797, in his 25th year. After his death the Duke caused a handsome table tombstone to be placed over his grave in St. Paul's burying grounds, bearing the following inscription: "This Stone Sacred to the Memory of Lieut. Charles Thomas of His Majesty's Royal Fusilier Regiment who departed this Life on the 16th of August, 1797, Aged 24 years: is placed as a Testimony of His Friendship and Esteem by Lieut. General His Royal Highness Prince Edward his Colonel."

The following "Elegy on the death of Lieutenant Charles Thomas, of the Royal Fusiliers, who was accidentally shot by his most intimate friend," was written (and published in the *Halifax Acadian Recorder*, April 15, 1820) by a Mrs. Fletcher of Yarmouth, Nova Scotia:

"Slow moves in funeral pomp the mournful bier,  
That gives the warrior to the silent grave;  
While scarce the manly eye can hide the tear;  
While sighs respire the bosoms of the brave.

"The martial arm with sable crape entwined,  
The drum deep muffled, and th' inverted spear,  
The mournful dirge that floats upon the wind,  
And strikes in plaintive sounds the pensive ear.

"These wake attention from her silent cell,  
Arrest the footstep, fix the wand'ring eye;  
These thy sad tale emphatically tell,  
And breathe the loud *memento*, 'thou must die.'

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28. See Richards' *History of Marshfield, Mass.*, Vol. 2, pp. 87, 88.





"In life's gay bloom, in valor's glorious road,  
In fame, in honor's warm pursuit he fell,  
What manly virtues in thy bosom glow'd,  
Thy friends remember, and thy friends shall tell.

"For worth and honor there were deep enshrin'd,  
And filial love and tenderness sincere;  
And generous friendship sought thy nobler mind,  
That reared with pride her sacred altar there.

"Lamented youth! how many weep thy fall  
With real grief and undissembled woe!  
Oh fate! who bade thee guide that rapid ball?  
A friend's unconscious hand to deal the blow.

"Ah! then misfortune hurl'd her bitt'rest dart!  
The missile shaft accelerated flew—  
Fate only bade it pierce one noble heart,  
Friendship had join'd them, and it severed two.

"But tho' in life's meridian pride he fell,  
Not in the field with glory's laurels crown'd,  
Ere fame her clarion in his praise could swell,  
While list'ning thousands caught the glorious sound.

"A nobler meed was thine—a nobler fame—  
Think not ye friends *his* destiny severe,  
Whose valour, virtue, and whose fate could claim  
From royal Edward's eye th' impassioned tear."

1751— It is impossible to mention here all the separate grants by which Windsor township was distributed, for unlike Falmouth and Newport the lands it comprises were not given chiefly *en bloc*, but we append a list of individual grants in Hants County, which contains the most important grants in Windsor. To determine the exact locations and boundaries of any of these grants, however, would for our present purpose be an impossible task.

#### INDIVIDUAL GRANTS, IN GREAT PART IN WINDSOR.

1759—

- 2 June, George and Henry Scott and Winckworth Tonge, 2,500 acres at Five Houses, St. Croix, Pisiquid.
- 27 July, Winckworth, William, and George Tonge, 1,500 acres at St. Croix, Pisiquid.
- 28 August, The "Councillors Grant" to seven members, 7,000 acres at Windsor.
- 29 August, Benjamin Gerrish and others, 14,000 acres at Pisiquid River.
- 29 August, John Tonge and others, 5,500 acres at Pisiquid.



29 August, Edmund Crawley, 1,400 acres at Pisiquid River.

1 September, Joshua Mauger and others, seven in all, 2,500 acres.

1760—

20 May, Winckworth, William, and George Tonge, 1,500 acres at Falmouth.

7 August, Joseph and Michael Scott, 1,000 acres at Falmouth.

1761 14 August, Moses Delesdernier, A lot "in the township of Falmouth on the south-west side of Fort Edward."

28 August, Joseph Gerrish, 7,000 acres at Pisiquid River.

1762 29 August, Major George Scott, Dr. George Day, and others, 6,000 acres on the River St. Croix, township of Falmouth.

1763 7 November, John Collier, a grant in Falmouth, amount not specified in registry.

15 November, Martha Dyer and Moses Masters, a town lot in Falmouth.

1761—

9 July, Benjamin Gerrish, 1,000 acres in Falmouth.

29 December, Moses Delesdernier, 40 acres in Falmouth.

1762—

3 June, Alexander Grant, 1,000 acres in Falmouth.

25 June, William Hore, 500 acres in Falmouth.

25 June, Henry Denny Denson and Henry Maturin Denson, 750 acres in Falmouth.

28 October, Isaac Deschamps, house lot, and barn and garden, in Falmouth.

1763—

8 June, Walter Manning, 500 acres in Falmouth.

1764 8 June, Edward Cumberbach, 500 acres in Falmouth.

8 June, Terence Fitzpatrick, 500 acres in Falmouth.

1765 8 June, John Gray, 500 acres in Falmouth.

8 June, Simon Parry, 500 acres in Falmouth.

8 June, J. F. W. Desbarres and others, 1,500 acres in Falmouth.

24 August, Henry Tucker, 500 acres in Newport.

6 September, Alexander MacCulloch, 500 acres in Falmouth.



1764—

- 2 February, Benjamin Gerrish, 168 acres in Falmouth.
- 4 February, Walter Manning, 500 acres on Windsor Road.
- 4 February, Rev. Joseph Bennett, 500 acres in Newport.
- 19 July, Abel and Matthew Michenor, 750 acres in Falmouth.
- 27 August, Samuel Cottnam, 1,000 acres on Windsor Road.
- 31 October, Edmund Watmough, 500 acres in Falmouth.

1765—

- 15 June, Benjamin, Joseph, and John McNutt and Patrick McCollum, 1,000 acres in Noel.

1766—

- 22 November, Winckworth Tonge and others in trust to hold fairs, a grant at Fort Edward hill, Windsor.

1768—

- 19 February, Henry Potter and others, a grant in Falmouth.
- 19 February, James Horatio Watmough and others, 6,322 acres in Falmouth.
- 8 April, James Brenton, 500 acres in Newport.
- 8 April, Samuel Cottnam, 500 acres in Newport.
- 8 April, John Carden, 500 acres in Newport.

1772—

- 11 March, William Haliburton,  $\frac{1}{4}$  acre at Windsor.
- 1 June, James Campbell, 1,000 acres at Kennetcook River.
- 31 July, Henry Denny Denson, 2,000 acres in Falmouth.
- 20 November, James Horatio Watmough and others, 847 $\frac{1}{2}$  acres in Falmouth.

1773—

- Ephraim Stannus,  $\frac{1}{4}$  acre at Windsor.

1775—

- 8 February, Jeremiah Northup, 500 acres in Falmouth.

1784—

- 3 August, Captain John Bond and many others, 23,000 acres—the township of Rawdon.
- 5 November, Rev. William Ellis, 1,000 acres in Newport. This land is said to have been escheated from John Carden, Jr.





1786—

3 April, Joseph Gray, 6 water lots in Windsor.

1797—

23 August, Edward and Philip Mosier (Mosher), 520 acres in Newport.

17 October, S. Coleman, 230 $\frac{1}{4}$  acres in Newport.

1803—

22 July, Rev. Edward Chapman Willoughby, 600 acres.

1810—

Nathaniel, John, James, and William Jenkins, 1,750 acres.

1815—

3 July, William Haliburton and others, trustees for a market in Windsor, a lot at Fort Edward hill, Windsor.

*(To be Continued).*



## “For Conscience Sake”

BY CORNELIA MITCHELL PARSONS

### CHAPTER X

#### FRANCES VISITS THE WITCH’S HUT

“When first we love, you know we seldom wed,  
Time rules us all, and life indeed is not  
The thing we planned it out, ere hope was dead;  
And then, we women cannot choose our lot.  
“Much must be borne which it is hard to bear:  
Much given away which it was sweet to keep.  
God help us all: who need indeed his care.  
And yet, I know the Shepherd loves his sheep.”

**A**S the young girl reached her chamber, and opened the door, she looked suspiciously around. A slight noise seemed to come from the dark corner. Though it was moonlight, the trees cast strange shadows, and she did not see, at first, a young Indian girl who lay sleeping in her chamber. Lighting her taper, she bent over the maid, and saw that it was Minatonka. The light awakened the girl, and springing to her feet, she whispered, “Lily-Pale-Face must come with me.”

Frances was astonished, said, “How found you your way to my chamber, Minatonka?”

“Minatonka climbed a vine to window. Pale-face-squaw would speak with Lily-Pale-Face fore moon waneth. Pale-face-squaw witch, no bad; good to Indian. Say, ‘Bring Lily-Pale-Face now.’” Tugging at Frances’ skirt, Minatonka looked lovingly into her eyes.

Frances, at first startled, then surprised, said. “You say strange witch-squaw sent for me?”

“Yes, Lily-Pale-Face, come.”



Frances thought of her lover. "Surely Sir Henry would see no harm in my going with the Indian maid," she said to herself.

Seeing that her friend hesitated, Minatonka replied, "Lily-Pale-Face, before save life. Give token; no fear; no bad."

A look into the honest face of the maid satisfied Frances that all was well. Throwing a long cloak over her shoulders, and gently pushing the Indian maid before her, they made their way down the ladder and stole quietly out, no one saw them pass.

"Where go you, Minatonka?" she said, in a whisper.

"Go to visit Pale-face-squaw. Good to Indian. Never punish. Teach Minatonka to speak new tongue. Pale-face-squaw Witch came across big water. Medicine squaw. Make people well. Great Brave Winthrop not like squaw, say," she touched her head, "Strange here, not think." Send away squaw. She come here. Live in wigwam in forest. No Indian hurt; she no fear. Minatonka friend. When snow come, squirrels bring pale-face-squaw nuts. Never hungry; no friend; all alone. Pale-face-squaw say 'go bring Lily-Pale-Face to me. Have seen her in forest, when walk with Brave Moody.' "

Fire-flies lighted the narrow path as the two girls entered the forest. Frances felt a touch of security when with her dusky guide.—She feared no treachery. The moon was shining brightly, and by its beams Frances could see where they were going. To Minatonka, the night was as the day. She knew every step of the way. At last they approached a rude hut, set down in the densest part of the wood. Owls were on the trees around, and they hooted as the branches on which they rested were swayed up and down by the night winds.

Approaching the low door, Frances' heart began to fail her, for though she trusted the Indian maid, she herself might have been misled. Upon an upturned chest, stuck in a bottle, a rush-light burned dimly, while a spinning-wheel stood nearby. On a low seat sat a woman much past middle life. Her hair was snowy white, and was brushed smoothly back from her wrinkled forehead, falling in long braids down her back. She wore a crimson skirt, and a gray silk shawl, crossed in front. The fabric was of the richest weave, and had evidently seen better days. The woman's eyes were black and beautiful, but they glanced





suspiciously and wildly around, as Minatonka and her companion entered. A fire of fagots was burning and as the night was shilly, the warmth was pleasant. A rich, melodious voice spoke.

"At last you have come, Minatonka; I thought another moon might perchance be passed before you entered here." The woman spoke very slowly, as if with some effort. "The toads and snakes have kept me company, see," and she held a venomous looking reptile by its neck, while it wriggled, and coiled around her arm, "Pretty, pretty creature, your friend finds no evil in you, but the world spurns and loathes you, as they do your Mistress. So this is she for whom I sent. Draw nearer, Maid, and let my eyes look upon the face of one I knew when just a wee babe."

Frances shrank from her embrace.

"Do not fear me, I am harmless like the snake. My enemies have drawn out the poison, and left me defenseless."

As if to cover her feelings, Frances replied, "I fear the reptile, not you."

"Take him, Minatonka; the maid is fearful; and place him on the soft grass outside. He is my comfort, when alone, and even the birds, my friends, fear him no longer. Come nearer. There, kneel down, so I can lay my hands upon your shoulders." The eyes of the witch glistened.

"You are docile like the dove, and so pretty, so pretty. Your hair," and she laid her crooked, maimed fingers on the girl's head, "it is pure gold. It looks full of sunshine, when the rush-light shines upon it. I once had a little sister with hair like yours. She was beautiful too, but she died. Never had she to face the cruel, coarse world that takes all and never gives,—that asks for all honour, love, chastity, and gives the devil's cup into your hands. I saw you, Frances; your name, you see, I know. I saw you in the woods, one day, when you were reading, and the light fell on your face, and I knew who you were."

"You knew who I was; my name?"

"Yes, I knew, the God in Heaven told me. He speaks to such a one as I am, if indeed there is a God. Oh why, when I was young, when I was of tender years, like you, did my people not



keep me safe. I was wayward then, I know, but not bad. He made me what I am—not God—, but, but—”

“But who?” gasped Frances.

“I cannot tell you yet; the very name maketh my heart to stand still, and cease to beat for trembling.” Reaching out, she seized her flask and raised it to her lips. “There, that is better. I have to keep it near me, for I have little strength at times.”

“Whither have you come, and what dreadful grief hath forced you to seek shelter in the wilderness with the beasts of prey?”

The woman shuddered. “There are worse beasts than those around us here.” Just then the distant howl of a wolf was heard. Frances trembled.

“Do not be afraid; he will come no nearer. I was a young and happy girl in Old England. They told me to my face that I was beautiful. A dreadful snare it was to me, and a misfortune. Your adopted Mother was my friend, my dearest friend. Our love was very great for one another. They sent me to Court, for I was the beautiful Penelope, the sister of the noble Earl of Essex. At the early age of fifteen, I was forced into a marriage with the notorious Lord Rich. I learned to despise my bad tyrant of a husband, and meeting with Sir Philip Sydney, learned what real happiness was, or such as it seemed to be. I have been the subject of one of the greatest sonnets ever written, ‘Astrophel and Stella.’”

Throwing her head back, she slowly repeated the lines:

“To her he vowed the service of his days;  
On her he spent the riches of his wit;  
For her he made hymns of immortal praise;  
Of only her he sang, he thought, he writ.”

Once so loved,—poor me, poor me; and now in my old age an outcast in a foreign land.” She laughed a loud, wild laugh. “I proved untrue to my husband, and he divorced me. Your Mother was my child, born out of wed-lock. I then married Charles Blount, eighth Earl of Montjoy. The ceremony was performed by Dr. Hugh Peters, his Chaplain.”



"My Mother, tell me where my Mother is."

"Your Mother, child, died when you were born. She, too, like her Mother before her, was snared by her beauty, for she was very beautiful. Lady Moody knew of my trouble. When my little Frances went wrong and died, something snapped in my brain. I ran away from husband, home and friends, to try to forget the past; to try to atone for my unhappy, ruined life. Lady Moody, through Sir Edward Whalley, who knew where you were, asked that you might be her ward, and that she might take you with her, when she came to this new land. A large sum of gold was given me for your inheritance by the Earl, Charles Blount, my husband. He was annoyed that my child should cast a disgrace upon his house. You were not his child, and so you were sent away. I then hoped never to see you again, but you were the child of my Frances, and I was her Mother. I am growing old. Not much longer can I survive the hardships with which I am surrounded. Look at my poor hands; see what they have done to the witch Penelope. I would have you near me before I die. In my dreams you have come to me. Lady Moody hath been wise. She knew your history. She would guard and protect you."

Frances buried her face in her hands.

"Ofttimes I have thought her unkind, and she hath been indeed a Mother to the outcast."

"No longer an outcast, my child, for rumor telleth me that you are to marry Sir Henry Moody, the son of my old friend. After the sinful life I led for many years, Lady Moody never spoke my name, but grieved exceedingly, they told me. Your father was St. John, my Frances said so, as she lay dying, and we gave you that name. I never knew the man, but heard he died, long, long ago, a dreadful death. The papers and gold, as I have told you, Lady Moody hath in trust. Your father's connection, the great lawyer and statesman, made the papers out for me. He was grieved at what had happened, and tried to hush up the scandal by sending the child far away. Sir Edward Whalley, an old friend of Lady Moody's, was a connection of mine. He helped Oliver St. John with the plan."





"Sir Edward came to see us here, and was taken by mistake for the king. He hath returned by now."

"Little did Hugh Peters think, when he came to this wild country, to find the wife of his patron, the Duke, that many a time she was one of his congregation, the witch Penelope (the name he called me). I see a vision." The eyes of the strange woman glistened and her limbs stiffened. "I see Charing Cross. I see Hugh Peters on the scaffold." She closed her eyes. "And again, I see another face. It is that of Charles of England. He is beheaded."

"King Charles was beheaded several years ago."

Coming to herself suddenly, and raising her head as if the strange fit had passed, she spoke again. "The world hath forgotten me; I am known only as Mistress Penelope, the witch. In Massachusetts Bay Colony, I have suffered all kinds of torture. Twice have I escaped death by burning, and once by hanging, being saved by the Rev. Mr. Williams. He, good man, pitied the poor creature he saw, never recognizing her as the beautiful maid he once met at Lady Masham's, when he was Chaplain there. Thank God, he could only remember beauty and virtue. The Rev. Mr. Cotton would see me burn. I can feel the hot air in my face, as they lighted the fagots, that the witch might burn. She would go to the place of 'weeping and gnashing of teeth.' I must have fainted; some one pulled me away, cutting the ropes that bound me to the stake. When I came out of my faint, all was changed; my body was saved." She laughed the same, shrill laugh, her eyes looking furtively around. "But the devil had taken my soul. How my head burns at times. You turn away; I will not harm you, for you, you are," her voice sank to a whisper, "my child's child."

"Perhaps it is all a dream."

"No, in truth, no dream. I am not mad, not truly so. There are some things worse than madness. Ha, ha, ha," she laughed wildly, "at night the devils dance,—they are fighting for my soul." One sob followed another. The fountains opened, and the tears so long denied the witch Penelope poured forth. "My Frances' child hath come to me again after all these years. My



child, my child." A softer look, for a second, passed over the woman's face. "Pray for me."

"Permit me to tell Lady Deborah Moody about you. You say she once loved you; she will do for you as a sister."

"No, never. Never shall you tell her. She, once a friend, stole my child. Ha, ha, ha. No friend would do such a thing; I will have my revenge. Revenge is sweet. Time, only time will tell the story. Tortured in mind, tortured in body, something gives way. I am what you see,—a broken-hearted creature; you call a woman."

"What can I do for you that your burdens may be less heavy?"

"Lift but your finger to hurt me; open your mouth to ask Lady Moody to aid me, and you will have signed your death-warrant. The dagger I gave to her when a girl; it hath a history. She gave me one—see, here it is. It opens. But beware: It is poisoned. I have gold, much gold. The Indians love me and will carry out my wishes, but the maid Minatonka is the only one whom gold and gifts cannot buy. Go, go, and may the God you worship protect you. Minatonka is an Angel of Mercy; bringing me food when hungry, and nursing me when ill. Will you some time, come back to me again?" The strange creature held out her withered, seamed arms to Frances, but she shrank away. "You shrink from your own? Woe is me."

"I will help you, doing all I can, but I must tell Lady Deborah Moody."

"Never. If you do, as I have said before, your life will be forfeited. What I have sworn, that will I do." Waving her hand as if in farewell, she motioned Frances to leave the hut. Minatonka preceded her. How she reached home she never knew. The awful confession and story poured in her ears, had made her as one in a dream.

Bidding Minatonka farewell, and finding the door open, she stole in to her chamber, and fell on her bed in a deep sleep of exhaustion.



## CHAPTER XI

## FRANCES ARRANGES FOR HER MARRIAGE

"We expect a bright to-morrow  
 All will be well.  
 Faith can sing through days of sorrow,  
 All, all, is well."

PETERS.

"Conscience is our magnetic needle: reason our chart."  
 JOSEPH COOK.

On the next day, as Frances opened her eyes, the world seemed changed. Was it all a frightful nightmare, that visit to the hut? No, it was all real, too real. She saw clearly now, and could understand. All these years she had thought Lady Moody cruel in not telling her of her history. Instead of cruel, she had been merciful. She would have her for her daughter, she, a nameless girl, to marry her only son. They called her Frances St. John, after the great lawyer who had stood as her godfather. So much Lady Moody had told her. Yes, and that woman, despised, forsaken, was her Grandmother, her own Mother's Mother. God help her. Mistress Penelope's threat, if she told Lady Moody, that awful threat—what should she do? She had long since given Sir Henry his answer, and it was 'yes.' Should that 'yes' stand? No, no, life was all changed, all so sad. Yet Sir Henry must know about her, and had loved her, notwithstanding. They had wanted to keep it from her. Never was maid more distressed, more anguished. She could not pray; she could not even think. There are some days in life when one must live, must move like a machine, must work, must laugh and play, while underneath, the heart breaks or is turned to stone. So pale was Frances when she met Lady Moody at breakfast, that the good lady was startled.

"Your head, perchance, aches, dear child? In truth, you look seedy."

"It is nothing, dear Mother," she sobbed, and then tried to smile through her tears. "A little fresh air will make me quite over."

"After breakfast, His Excellency the Governor and Mrs. Stuyvesant, return to New Amsterdam. They desire to con-





gratulate you on your engagement. Of a truth, I am rejoiced, dear child; Sir Edward Whalley, our old friend, is happy too. You know Sir Edward's brother was an old beau of mine—when a girl, and later was devoted to my dearest friend."

"Where is your friend now, dear Lady Moody? You, who are so loyal to all, never speak of her."

Lady Moody unconsciously touched the dagger in her belt. "She gave me this. I gave her one just like it. They are of old Italian workmanship, and once belonged to the Medici, we understood. As a joke, one day, we bought them from a travelling peddler. It was a vow we made, just in fun, but when something happened to her, my friend, and disgrace stared her in the face, she wrote to me, to keep it always, in memory of our youth and if chance ever came, to use it on the one who had made her life what it was. It was a crazy letter, and I never answered it. When I die, I have asked Henry to have it buried with me. There is a secret pocket in the case, and a letter which my friend wrote me, a little miniature of her, very small, fits in the corner, which is stiff, you see."

Lady Moody touched a spring, and the top flew open. "That is the picture of my dear friend." Frances started. She recognized in the miniature, the face of Mistress Penelope. "It is strange you never beforetime have asked to see it."

"I thought it something too sacred, so did not."

"It is sacred, child. A joke at the time between two light-hearted girls, now it hath grown to mean more."

Just here the conversation was interrupted by Sir Henry, who appeared with their guests. Kissing his Mother, he greeted Frances with courteous gallantry and affection; whispering in her ear:

"You retired too early last night, dear heart; I am going to ask you to sit up until a later hour to-night. Too much sleep is worse than too little."

Frances replied that she could never have too much.

The rest of the morning until the Governor and his Lady departed was spent in discussions of all kinds. The wonderful victories of Oliver Cromwell, and the future of Old England were earnestly talked over. Lady Moody was urged to have an



eye upon Ensign Baxter and John Hubbard, who were so much in sympathy with the English colonists, and in many ways had given Peter Stuyvesant much trouble. Mistress Stuyvesant, after warm congratulations, begged Frances to let her send some beautiful silk, brought from the far East, which she would have her accept as a wedding gift, for her gown. She invited the young girl to visit them when she made any little purchases in Manhattan. After the guests had departed, Frances and her lover strolled out under the trees to talk over matters. Sir Henry desired to be married in a few months, and proposed that they set the day of the wedding for Christmas Eve. This would give them much time for necessary preparations.

"When I have you, dear heart, all to myself, I will be the happiest man living." He drew the blushing Frances to his side. "What makes my lady-bird so pensive to-day, so quiet?"

"Nothing, Henry. Yes, there is something. Do you truly desire to wed a maid of whose history you know so little?"

"I know all, dear heart, but you are my own adopted sister and soon will be my wife. My wife; how strangely it sounds. I feared you would be, at one time, married to Lewis Lester. It was when you were younger. You love only me, dear, now?"

"Yes, Henry, only you now."

"Think you to weary of me, after a while? I am no longer a chicken, dear heart; there are many years between us."

"Do not be foolish, Henry, I pray you."

"Come, let us go back to the house, and find out what my dear Mother's plans are for the day."

"We must tell her, Henry, of our new plans, and I will promise you I will be ready by Christmas time."

"Christmas Eve will never come; it seems years away. The marriage will take place the same night the Dutch hold their feast, when the seal of Old Amsterdam is to be given to New Amsterdam."

It was the custom in this good old time to prepare great chests, years before, for the bridal trousseau. One had been filling for some time, and Frances, each few months, would pack carefully away, a sheet or piece of linen newly-spun, among sprigs of lavender. One chest was already filled; the other half-



full. She must work hard, to prepare all the necessary things which a bride of that day needed. Times were hard; gold scarce. Lady Moody had written Mrs. King to send her, as part payment of the farm at Swampscott, quite a long list of articles. "Two yeardes of black taffety; forty yeardes of broad dowlasse; forty yeardes of Holland; forty yeardes, at four shillings per yearde, of broadcloth; white fustinn, ten yeardes; of brown fustinn ten yeardes; some good greene rugg; owne paire of blankets; of narrow leet for bolster and pillows twenty yeardes; 1 piece colored stuff; 1 of shaggey bayss, twenty yeardes; eight scyiths for mowing (I pray them to be very good); of plowcheins three, and two pewter pots."

There was also a request for nails, skillets and other articles of domestic use, and for one hundred weight of iron. Many of the articles mentioned would be of no great help in the trousseau. All these were sent from Massachusetts Bay Colony, and gladly received by Lady Deborah Moody, and the bride-elect. Lady Moody wished indeed to give her ward, Frances St. John, all the help she could in preparation for the coming wedding. Dawkins was kept busy from morning till night, helping in various ways. Sir Henry hovered around; asking few questions, but looking happy.

Frances, however, was sorely troubled at times, about the newly found Grandmother. She had never told Lady Moody of her secret, or her lover,—and her heart seemed weighed down by its burden. She, too, felt a responsibility about the little hut and its occupant, and secretly carried, from time to time, many necessaries in the way of nourishing food and comforts. On one of these trips in early December Mistress Penelope seemed more talkative; asking her about the date of the approaching wedding, and many questions in regard to it. Frances patiently answered many of her queries.





# History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church

*of President Young.* CHAPTER CXV

A PERIOD OF APOSTOLIC PRESIDENCY 1877-1880: SETTLEMENT OF THE NEW TRUSTEE-IN-TRUST WITH BRIGHAM YOUNG'S ESTATE—FOREIGN MISSION WORK OF THE CHURCH—ANTI-MORMON CRUSADE—THE KILLING OF JOSEPH STANDING IN THE STATE OF GEORGIA

WITH the demise of Brigham Young the Twelve Apostles again became the presiding quorum of the Church as it did at the death of Joseph Smith, the first Prophet and President of the Church.<sup>1</sup> Elder John Taylor was the president of the quorum at the demise of President Young not really by virtue of seniority of ordination, but because of seniority of standing by reason of an uninterrupted membership in the quorum since his ordination, which operated in such manner as to make his standing equivalent to seniority of ordination. Both Orson Hyde and Orson Pratt had been ordained into the quorum of the apostles before Elder Taylor;<sup>2</sup> but both had temporarily lost their standing in that quorum; the former in October, 1838, for joining with Thomas B. March in misrepresenting conditions in Far West, Missouri;<sup>3</sup>

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1. The question of succession of presiding councils, and the principle upon which the quorum of the Twelve Apostles succeeds to the presidency of the Church until the First Presidency is re-established is discussed at length in this History, Chapter LVI.

2. Elder Orson Hyde was ordained an apostle on the 15th of Feb. 1835; and Orson Pratt on the 26th of April, of the same year. (See Journal, Hist. of the Church, Vol. II. Chapter XIII); John Taylor was ordained an apostle on the 19th of December, 1838. (Life of John Taylor—Roberts—1892—p. 64).

3. Journal History of the Church Vol. III pp. 167-8 and note.



and the latter in the summer of 1843, for "neglect of duty," and some misunderstanding had with the Prophet Joseph Smith on the subject of plural marriage. Elder Pratt had been misled respecting that subject by the false statements of the apostate element at Nauvoo.<sup>4</sup> Both these brethren, were reinstated in the quorum upon their repentance and reconciliation with their brethren, but when the matter was investigated by the council of the Twelve, a few years previous to the death of President Young, it was held that Elders Hyde and Pratt, having once lost their standing in the quorum, when they were restored, it was as the juniors to all "those who remained in the quorum when they left it."<sup>5</sup>

Elder Wilford Woodruff for some years was also regarded as outranking Elder Taylor in the quorum of the Twelve, owing to the fact that Elder Woodruff was the older man. This idea that seniority of age determined the rank of standing in the quorum obtained doubtless for the reason that when the quorum was first organized in February, 1835, the members took their place not in the order in which they were ordained, but according to age. Thus Thomas B. Marsh, who was the last but one ordained at that time became the president of the quorum, because the oldest man in the group of twelve ordained; and that was held to be proper in the formation of the quorum; but after that the principle of precedence in the quorum was held to rest upon seniority of ordination.<sup>6</sup> The relationship of John Taylor and Wilford Woodruff in the council of the Twelve, it will be observed, as well as the relations of Elders Hyde and Pratt

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4 *Ibid.* Vol. IV. pp. 255-6 also *Mill. Star*, Vol. XX p. 423. c.f. Letter of Orson Pratt and Joseph F. Smith, *Mill. Star*, Vol. XL Nos. 49-50—1878; and Succession in the Priesthood, John Taylor, —1881, pp 18-20. The Prophet Joseph held in the passage here cited from the *Star*, that Elder Pratt "had not been cut off legally" from the quorum of the Twelve, as there was not a quorum (i. e. majority) present when his case came before the council. The Prophet re-baptized Orson Pratt, however, and ordained him to his former standing in the quorum of the Twelve, (Id). See also "Succession in the Priesthood", a Discourse by President John Taylor—Oct. 7th, 1881—pamphlet, p. 19.

5 "Succession in the Priesthood"—Taylor, p. 16.

6. For account of first ordinations into this quorum see chapter XXVI this History; also Joseph Smith's Journal History of the Church, Vol. II, chapter XIII, c.f. Taylor's Succession in Priesthood.



to John Taylor, were settled some years before the death of President Young.<sup>7</sup>

President Young's obsequies took place on the 2nd of September, 1877; on the 4th, ten of the Twelve Apostles—Orson Pratt and Joseph F. Smith being absent on missions in England—met with the counselors of the late President, John W. Young and Daniel H. Wells. At that meeting it was agreed that the Twelve Apostles should take their place as the presiding quorum of the Church, in the absence of a First Presidency, and bear off the kingdom as they did at the death of Joseph. It was also voted to sustain John Taylor as the President of the Twelve Apostles; "John W. Young and Daniel H. Wells voted with us," writes Wilford Woodruff, whose account is here followed, "and they are to stand as counselors to the Twelve as they did to President Brigham Young."<sup>8</sup> To facilitate the transaction

7. The settlement of this relationship among the brethren of the quorum was taken up at the instance of George A. Smith. President Taylor's narrative of it at the Priesthood meeting of the General Conference of October 1881 is as follows: "Some ten or twelve years ago, Brother George A. Smith drew my attention to this matter, [i. e. to the relative positions of Elders Woodruff, Hyde and Pratt to John Taylor in the quorum of apostles] I think it was soon after he was appointed as Counselor to the First Presidency; and he asked me if I had noticed the impropriety of the arrangement. He stated at the same time that these brethren having been dropped from the Quorum could not assume the position that they before had in the Quorum; *but that all those who remained in the Quorum when they had left it must necessarily take the precedence of them in the Quorum.* He stated, at the same time, that these questions might become very serious ones, in case of change of circumstances arising from death or otherwise; remarking also, that I stood before them in the Quorum. I told him that I was aware of that, and of the correctness of the position assumed by him, and had been for years, but that I did not choose to agitate or bring up, a question of that kind. Furthermore, I stated, that, personally, I cared nothing about the matter, and, moreover, I entertained a very high esteem for both the parties named; while, at the same time, I could not help but see, with him, that complications might hereafter arise unless the matter were adjusted. Some time after, in Sanpete, in June, 1875, President Young brought up the subject of seniority, and stated that John Taylor was the man that stood next to him; and that where he was not, John Taylor presided. He also made the statement, that Brother Hyde and Brother Pratt were not in their right positions in the Quorum. Upon this statement I assumed the position indicated.

Thus our positions at that time seemed to be fully defined; and what had been spoken of by Elder George A. Smith, without any action of mine, was carried out by President Young; and from that time to the death of President Young I occupied the senior position in the Quorum, and occupying that position—which was thoroughly understood by the Quorum of the Twelve—on the death of President Young, as the Twelve assumed the Presidency, and I was their President, it placed me in the position of President of the Church; or, as expressed in our Conference meeting: "*As President of the Quorum of the Twelve Apostles; as one of the Twelve Apostles, and of the Presidency of the Church of Jesus Christ of Latter-day Saints.*" ("Succession in the Priesthood"—Taylor—1881—pp 16, 17).

8 Journal of Wilford Woodruff, entry for Sept. 4th 1877. Also Hist. Brigham Young, Ms. 1877, Vol. III p. 2903.





of business, President John Taylor assisted by John W. Young, Daniel H. Wells and George Q. Cannon, were sustained as an administrative committee to attend to the business connected with the building of the temples the public works, and other church affairs of a financial character. Word was sent to the two absent apostles in England to return to the headquarters of the Church—Salt Lake City. They arrived on the 27th of September.

On the 10th of September a general epistle was issued to the Church “in all the world,” informing the Saints of these several actions; also justifying the Twelve in assuming the functions of the Presidency of the Church at the demise of the late President Brigham Young, by reference to underlying principles of Church government, and principles laid down by the Prophet Joseph Smith. Instructions were given with reference to carrying on the work on the temples. Appointments were made for the quarterly conferences of the stakes of Zion—which hereafter were to be held regularly—and admonition was given to faithfulness in respect of all the duties devolving upon Latter-day Saints.<sup>9</sup>

On the 17th of September the corner stones of the Logan Temple were laid under the direction of the Apostles and participated in by very many other general and local authorities of the Church, and many thousands of the people from the northern settlements of Utah and from Idaho. Graceful and loving tribute was paid to the memory of the late President Brigham Young, under whose direction the temple site had been dedicated and the work begun; but confidence in the perpetuation of the Great Latter-day work of the Lord was the keynote of the occasion,<sup>10</sup> and assurance was given that there was to be no halting in the progress of that work. It is interesting to note here that in many instances, in speaking of this period the press comment throughout the United States was to the effect that

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<sup>9</sup> The Epistle was published in *Deseret News—Weekly*—of Sept. 12, 1887. It will also be found complete in *Mill. Star*, Vol. XXXIX pp. 680-4.

<sup>10</sup> Dimensions and an engraving of this Temple as finally completed in 1884 are given in this History, Ch. LV. A complete account of the ceremonies at the laying of the corner stones with all the speeches and prayers is published in *Deseret News—Weekly*—of Sept. 26, 1887; also *Mill. Star*, Vol. XXXIX, Nos. 43, 44, 45, 46.



"Mormonism" would doubtless survive notwithstanding the demise of the late Pioneer leader. The press had profited by the blunder of the press of a previous generation, which predicted the failure of "Mormonism" with the death of its founder. (*Under God—always be it remembered*), Joseph Smith.

The several acts of the Quorum of the Twelve Apostles—assuming the functions of the presiding quorum of the Church, and their several administrative acts—were heartily and unanimously approved by the next general conference of the Church, October, 1877—which unanimously sustained the quorum of the Twelve as the presiding quorum of the Church.<sup>11</sup> This vote was presented to each quorum separately, for which purpose the quorums were grouped individually on the main floor of the Great Tabernacle; and after the several motions had been voted upon by the quorums separately, they were submitted to the quorums and to the body of the people *en mass* and sustained by the congregation and priesthood quorums—numbering over ten thousand—rising to their feet, and indicating their acceptance of what had been done by the solemn uplifting of right hands.<sup>12</sup>

The council of the Twelve Apostles continued its Presidency of the Church a little more than three years, up to the

11 The exact formula was: "John Taylor as President of the Quorum of the Twelve Apostles, as one of the Twelve Apostles, and of the Presidency of the Church of Jesus Christ of Latter-day Saints."

As members of the Quorum of the Twelve Apostles—John Taylor, Wilford Woodruff, Orson Hyde, Orson Pratt, Charles C. Rich, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Geo. Q. Cannon, Brigham Young, Joseph F. Smith, and Albert Carrington.

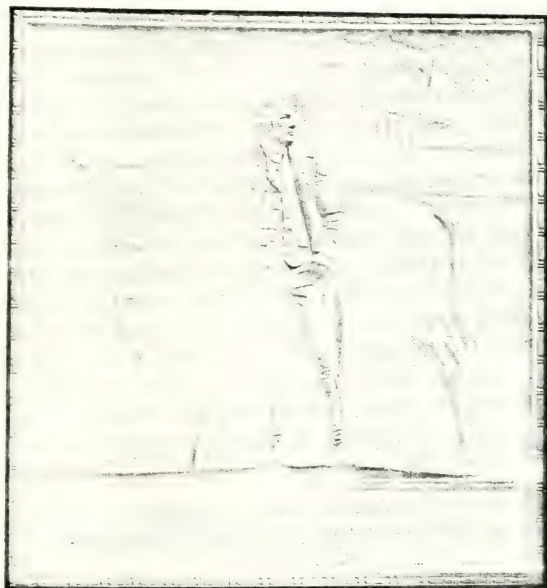
Counselors to the Twelve Apostles—John W. Young and Daniel H. Wells.

The Twelve Apostles as the presiding quorum and authority of the Church, and as Prophets, Seers, and Revelators.

President Taylor made a motion that J. W. Young and Daniel H. Wells be sustained as Prophets, Seers, and Revelators, to act with the Twelve as their Counselors, in that capacity. The whole congregation sustained the motion. (Conference Minutes, *Mill. Star*, Vol. XXXIX, p. 725).

12. The order in which the quorums voted was as follows: "The General Authorities of the Church were voted for by each Quorum of the Priesthood rising on their feet, and raising their right hands in the following order: First—The Twelve Apostles. Second—The Patriarchs, Presidents of Stakes and their Counselors, and the High Councils. Third—High Priests. Fourth—Seventies. Fifth—Elders. Sixth—Bishops and Counselors. Seventh—Priests, Teachers and Deacons. Eighth—Presidency of all the Quorums. Ninth—The entire congregation. (*Ibid*, p. 725). Elsewhere the writer has ventured to say: "Nothing can be more solemn and impressive than the voting of the quorums of the Priesthood, when they meet to act as a general assembly of quorums." (*Life of John Taylor*, pp. 339-40).





NATHANIEL WOODHULL TABLET  
(By Albert Weinert)





general semi-annual conference of the Church held in October, 1880, when the regular council of the First Presidency was reorganized, with John Taylor as President, and George Q. Cannon and Joseph F. Smith as his first and second counselors respectively.

During the three years' presidency of the Council of the Twelve the affairs of the Church quite generally were prosperous. Some difficulty arose, however, in the matter of settling the estate of the late President Brigham Young. Some claims were made by a number of the late President's heirs respecting the possession of property that President Young held for the Church as trustee-in trust. It was alleged by them that President Young died seized of an estate valued at two and a half millions of dollars. This, however, was denied by his executors, and also by President John Taylor, who affirmed *per contra* that the property to which Brigham Young held the legal right or title was not worth over \$1,626,000; and further they affirmed, that much of said estate was held by the testator in trust for the Church of Jesus Christ of Latter-day Saints, and that Brigham Young was largely indebted at the time of his death "and justly owed to said Church over \$1,000,000". President John Taylor, who succeeded Brigham Young as trustee-in-trust for the Church, and the administrators of President Young's estate, Messrs, Geo. Q. Cannon, Brigham Young, Jr. and Albert Carrington, grouped the property of the estate into three classes as follows:

*First.* A class of property known to belong to said Church, and which he [Brigham Young] held and recognized as its property.

*Second.* A class of property which he held and claimed as belonging to himself individually, and disconnected from the Church and in which it had no interest.

*Third.* A class of property which once belonged to the Church but the legal title to which he had afterward acquired, such property was therefore regarded as uncertain.<sup>13</sup>

"In the settlement of the liabilities of the estate to the Church", declares President Taylor, in a court document,

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<sup>13</sup> Answer of John Taylor in suit of Brigham Young heirs *per* attorneys Richards, Williams *et al.* *Deseret News-Weekly*—of July 2nd, 1879.



“and in separating its property from his [President Young’s], individual property, this dubious and uncertain class of property was all given to his estate as part and parcel thereof, and such only was claimed as Church property about which there was no doubt or uncertainty”.<sup>14</sup> In addition to this, according to the statement of the administrators, a credit of \$300,000 was secured by them from the trustee-in-trust to the estate of the late President for his services to the Church. Notwithstanding these advantageous concessions to the estate the dissatisfied heirs entered suit against the administrators of the estate and also against President Taylor.<sup>15</sup> The former they charged with having “grossly neglected and violated their duties, and also had “wilfully wasted and converted a large portion of President Young’s estate to the amount of \$1,200,000; the \$200,000 it was charged they had appropriated to their own use as compensation for their services as administrators, and other expenses of administration, and the one million dollars they had allowed to fraudulent claims against the estate made by the trustee-in-trust of the Mormon Church. They also included in their suit against the administrators complaints against President John Taylor *et al* as receiving certain portions of property that had been conveyed to them from the estate in trust for the Church. An injunction was prayed for against the executors, restraining them from further performance of their duties; and against the trustee-in-trust of the Church forbidding him to dispose of any of the property assigned to him; and also praying for the appointment of receivers to whom the administrators and the trustee-in-trust of the Church would be required to deliver up all moneys, property and assets under their control until the final hearing; and for a reasonable allowance from the funds of the estate to pay the expenses of the suit brought by these dissatisfied heirs. It was asked further that, as a final judgment, “all the transfers and conveyances made by the administrators

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14. *Ibid.*

15. There were but seven out of the large number of President Young’s heirs who entered into this litigation, and injustice to those who would not become parties to it, the names of these eight are given: Elizabeth Y. Ellsworth, Vilate Y. Decker, Louisa W. Y. Ferguson, Dora Young, Ernest I. Young, Marinda H. Y. Conrad, Emmeline A. Young. (From signatures on settlement, published in *Deseret News—Weekly—*of Oct. 8th, 1879).



be "declared illegal and void; that the property be returned to the estate, and that the executors be required to render an account of their administration, to make good all they have wasted or illegally disposed of, and that a trustee or trustees be appointed in the place of the executors to settle and distribute said estate to the beneficiaries thereof."<sup>16</sup>

Judge Emerson in whose court the above questions were considered—third district court—granted the application for an injunction and the appointment for receivers. W. S. McCornick, a prominent banker of Salt Lake City, and Mr. Shaughnessy, United States marshal, at the time, were appointed the receivers.<sup>17</sup> Some properties which had been turned over to the trustee-in-trust by the administrators of the Brigham Young estate—which transfers had been made under the sanctions of the probate court having jurisdiction at the time the receivers were appointed—had been disposed of by the trustees to other parties, so that the said properties were beyond the control of both the administrators and the trustee-in-trust, and consequently when these properties were demanded by the receivers the trustee-in-trust and the administrators were required to do that which it was impossible for them to do. The receivers, however, charged that the trustee-in-trust and the executors were in contempt of court, and Judge Emerson issued process against the several parties, but on examination held that the defendants had violated no mandate of the court and therefore were not in contempt. Later, Judge Jacob S. Boreman, a very bitter Anti-Mormon, temporarily occupying the bench of the third judicial district, the charge of contempt was a second time made against the trustee-in-trust and the executors with the result that Judge Boreman found them in contempt of the orders of the court, and "therefore it was ordered and adjudged" that the executors "be committed to prison until they complied with the orders of the court;" and that "John Taylor be committed to prison until he complied with the same order."<sup>18</sup>

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16. See *Deseret News* for summary of the legal document—Weekly—impression of June 18th, 1879.

17. *Ibid.*

18. Judge Boreman decision published in full in *Deseret News*—Weekly—of Aug. 6th, 1879.





It was finally arranged, however, in the case of President John Taylor that he give a bond with satisfactory securities, covering the amount required to be turned over to the receivers instead of the property itself. The amount of the bond was \$200,000. With this the plaintiffs in open court expressed their satisfaction and the court ordered his discharge from the sentence of contempt. A similar settlement could have been made in the case of the executors, but they preferred to endure imprisonment rather than to give additional bonds to those they were already under for the faithful performance of their duties as executors of the estate. Their bonds as executors amounted to \$300,000; and the additional bond required to secure them from imprisonment for the alleged contempt was \$150,000 more. "We felt" wrote George Q. Cannon, "that this attempt to get additional bonds was nothing more or less than a plot to levy black-mail; and therefore we preferred to submit to imprisonment for contempt rather than to lend ourselves to the scheme by asking our friends to give bonds for us."<sup>19</sup> The imprisonment of the executors extended from August the 4th to the 28th of the same month when they were released from detention, the decision of Judge Boreman in committing them to prison being reversed by the supreme court of the Territory—"reversed for want of jurisdiction," was the decision of the supreme court, Judge Boreman dissenting.<sup>20</sup>

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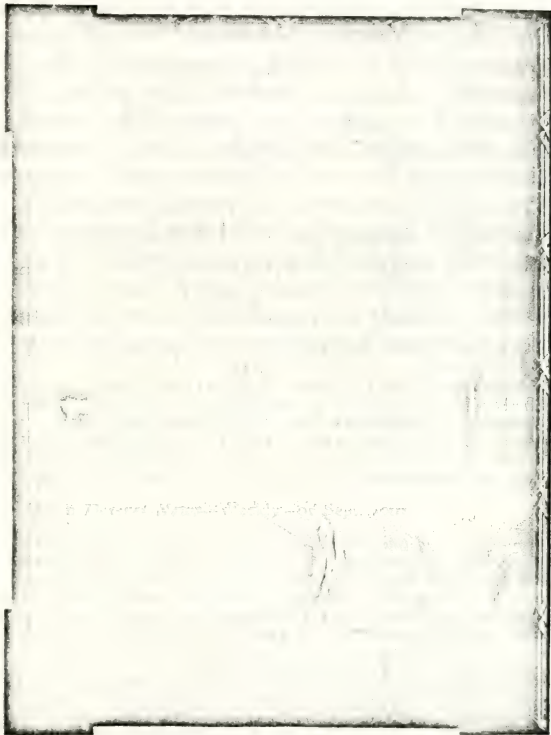
19. Cannon's "Topics of the Times," in *Juvenile Instructor*, Vol. XIX, p. 23. "It was at this juncture," Mr. Cannon adds, following the quotation in the text, "that I received the following message from General Thomas L. Kane:

*"I will be your bail for \$150,000 if your court will accept me."* (*Id.*)

20. The announcement of the decision of the court, in "general terms," as explained by chief justice Hunter, to be followed by a more complete summary later, is a severe condemnation of the evidently prejudiced course of Judge Boreman. That he had grossly departed from uniform court procedure in adjudging the executors and President John Taylor guilty of contempt of court is evidenced from the following passage in the decision. "Uniformity of opinion of what is the law, strengthens the arms of Justice, and enables those who have its administration in hand to act with promptness and reasonable certainty, and when the quality of uniformity is found, it would perhaps be doing a wrong at this late day to make a new departure. "The power of the court to punish for an alleged contempt, though undoubted, is in its nature, arbitrary, and its exercise is not to be upheld except under the circumstances and in the manner prescribed by law. It is essential to the validity of proceedings in contempt, subjecting a party to fine and imprisonment, that they show a case in point of jurisdiction within the provisions of the law by which such proceedings are authorized, for mere presumptions and intendments are not to be indulged in their support." (*Deseret News-Weekly*—of Aug. 13th, 1879).

This is really a declaration that Judge Boreman had acted on mere presump-





TABLET, COLLEGE OF THE CITY OF NEW YORK  
(By Albert Weinert)



A counter suit was instituted against the executors and heirs of the late Brigham Young by the trustee-in-trust of the Church of the Latter-day Saints. This on the 7th of August, 1879. Hearing on a motion to dismiss the case was postponed until the 2nd of September, or as soon thereafter as the court could hear the arguments.<sup>21</sup> The case was accordingly presented to the court in the early days of September, and on the 4th Judge Hunter took it under advisement.<sup>22</sup> The case was dismissed October 4th, at Plaintiff's cost,<sup>23</sup> without coming to judgment of the court on account of the whole case coming to a settlement by mutual agreement of all the litigants; the decree of the court making the settlement being entered on the same day as the dismissal of the Church suit against the executors. By the terms of the compromise settlement of the whole suit, the litigant heirs received the sum of \$75,000; and agreed to withdraw all charges and claims on which the suit was planted. By this decree the executors of the estate were exonerated from charges preferred against them;<sup>24</sup> the receivers were discharged, returning to the

tions and outside of his jurisdiction. "In other words," as the News commented at the time, "that through his haste and ignorance and extra judicial proceeding, the executors have suffered false imprisonment, they never were in contempt of court, and therefore their punishment was illegal as well as unjust." (Id.)

21. See *Deseret News*—Weekly—for Aug. 13, 1879, where the court record of entrance of the suit, and of the courts orders for a stay of proceedings, etc., will be found.

22. Court Record in *Deseret News*—Weekly—of Sept. 10th.

23. *Ibid.*, Oct. 8th, p. 569.

24. The statement rests upon the following passage found in the Decree of the court signed by chief justice John A. Hunter: "It is considered, adjudged and decreed that the aforesaid accounts of said Executors, and the matters and things therein contained, be, and the same are hereby ratified and confirmed as to all the parties, and that the allegations of the complaint of waste, conversion and misappropriation of the property and assets of said estate of the testator, Brigham Young, deceased, are not sustained in any respect. That all the actings and doings of said Executors, or any of them in the administration of said estate as Executors or Trustees, as shown by said accounts, be and the same are hereby ratified, and confirmed, and all the issues in this action are found and adjudged in favor of the defendants, George Q. Cannon, Albert Carrington and Brigham Young, Executors as aforesaid; John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, Geo. Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury and Angus M. Cannon.

That the deeds of conveyance and transfer of property, real and personal, by said Executors to John Taylor, Trustee-in-Trust for the Church of Jesus Christ of Latter-day Saints, whether as of property held by said testator in trust for said Church or in liquidation of an account presented by said John Taylor, Trustee in Trust for said Church against the estate of said testator for nine hundred and ninety-nine thousand six hundred and thirty-two (\$999,632) dollars, approved by said Executors and the Probate Judge of Salt Lake county, Utah Territory, April 10th, 1878, less three hundred thousand dollars credited for the services of said testator to said Church, be and the same are hereby ratified and confirmed. (*Deseret News*—Weekly of Oct. 8th, 1879).





parties previously holding the same, all the property taken possession of by them. President John Taylor was discharged from his bond, and all further action was barred against the parties defendant in the suit. All the other heirs to the estate of the late President Brigham Young appeared with the executors and the trustee-in-trust as defendants, and both plaintiffs and defendants, by mutual consent agreed to this permanent settlement of the whole litigation.<sup>25</sup>

This suit was a very vexatious affair, founded on no just claims, and evidently began by agitators who hoped to profit by the litigation. On the part of the other heirs, the trustee-in-trust, and the executors, the \$75,000 granted to the dissatisfied heirs was allowed in the interest of the estate, since the cost of the litigation threatened to far exceed that sum if the case was continued in the courts; and also the compromise was made in the interests of the peace of the large number of heirs, and all other parties immediately concerned, and of the public, which was agitated by these suits and counter suits—and naturally so since the whole Latter-day Saint community had an interest in the Church properties—that would be affected by the decisions and orders of the court.

After the decree of the court for the settlement was entered, President Taylor presented the settlement before the general semi-annual conference of the Church which began its sessions two days after the decree was made, “and the settlement was endorsed by a unanimous vote.”<sup>26</sup>

The work in the foreign missions was vigorously prosecuted during the three years of the Apostolic Presidency. Elder William Budge succeeded Joseph F. Smith, of the council of the Apostles, in the presidency of the European mission; and he was ably assisted by such Elders as Henry W. Naisbitt and John Nicholson in the publishing department, Charles W. Nibley in the business office, and an exceptionally strong corps of Elders from Utah in the various conferences of the British Isles, in the Scandinavian and other European missions. In this period—1878—the Book of Mormon was translated into,

25. *Ibid.* The Decree is there given in full.

26. See Minutes of Conference in *Deseret News—Weekly*—of Oct. 15th, 1879.



and published in the Swedish language, at Copenhagen. The translation was the work of August W. Carlson.<sup>27</sup> During the three years of the Apostles' presidency of the Church 5,194 persons emigrated from the European missions for Utah.

Elders Orson Pratt and Joseph F. Smith of the council of the Apostles quorum were appointed to a mission to the eastern states. In the itinerary of their journey eastward they visited many of the old locations where the Church made history in the early years of its existence, including Independence, Jackson county, Missouri, the place of the future City of Zion upon the western hemisphere,<sup>28</sup> the building of which filled so large a place in the aspirations of the Saints in the early years of the New Dispensation.

These brethren also visited Richmond where they had a long interview with David Whitmer, one of the Three Witnesses to the Book of Mormon. He and Orson Pratt, of course, were well acquainted. The now aged witness (73 years old) repeated in great detail the circumstances attending upon his viewing the plates from which the Book of Mormon was written; of the visitation and appearance of the angel Moroni, when showing to them and plates. Elders Pratt and Smith examined the printer's

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27. See Mill. Star, Vol. XL, p. 596, where the work of Elder Carlson is warmly praised. The first edition was 3000.

28. Elder Orson Pratt was among the Elders who had visited this place in 1831, having traveled on foot from Kirtland, Ohio, in company with his brother Parley P. Pratt, preaching *en route* as they found opportunity. He was then but twenty years of age, now, he was 67 years old. A great change had come to that section of the country. The "Temple Lot" which the Prophet Joseph had dedicated in 1831 was covered with timber, now scarcely a tree or a stump was standing, and time and again the place had been war-swept during the war between the states. See Autobiography of Parley P. Pratt Ch. X. Also Smith-Pratt Report of Mission, Mill. Star, Vol. XL, pp. 769 *et seq.* Some years before the visit of Elders Pratt and Smith a Mr. William Eaton had purchased a homestead south of the Temple site, and on a portion of the original Temple grounds, as purchased by Bishop Edward Patridge (which was said to have been 53 acres). For this homestead Mr. Eaton paid \$18, including a neat frame cottage. He also purchased one or two lots covering the Temple site for which he paid \$500. These lots he had deeded to the trustee-in trust of the "Reorganized Church," Mr. John Scott, of Palano, Ill., informed the visiting brethren that the Whitmers held the tax titles to these lots. Mr. Eaton had married the widow of John E. Page who at one time was a member of the council of Twelve Apostles. Elders Pratt and Smith paid Mrs. Eaton a visit and were kindly received. Also they visited Wm. E. McLellin, a member of the council of the Twelve when that quorum was first organized in 1835, but long since separated from the Church, though still professing faith in the Book of Mormon and some of the principles of the gospel. In all there were about 70 families gathered in and about Independence who were members of the "reorganized church," and who were "waiting" for the redemption of Zion. (*Ibid.*)



copy of the Book of Mormon *Ms.*, made from the original *Ms.* by Oliver Cowdery, and which printer's copy Cowdery had left in the keeping of David Whitmer at the time of his death at Richmond—twenty-eight years before. Inquiries concerning the safe keeping of the manuscript were carefully made and Mr. Whitmer was sounded with reference to his willingness to part with it and have it deposited in the archives of the Church for safe keeping.<sup>29</sup> This suggestion he declined to consider.<sup>30</sup>

Far West, Caldwell county, Missouri, was also visited by the brethren. This was the birth place of Elder Smith. Here had resided for many years, and up to the time of his death, July 1878—John Whitmer, formerly the Historian of the Church. The visiting brethren called at his home but were ungraciously received by his son, Jacob Whitmer, and his daughter, who had

29. *Joseph F. Smith*: "What will be done with them (i. e. *Mss.*), at your death?"

*David Whitmer*: I will leave them to my nephew, David Whitmer, son of my brother, Jacob, and my namesake.

*Orson Pratt*: Would you not part with them to a purchaser?

*David Whitmer*: No. Oliver charged me to keep them, and Joseph said my father's house should keep the records. I consider these things sacred, and would not part with nor barter them for money.

*Joseph F. Smith*: We would not offer you money in the light of bartering for the *Mss.*, but we would like to see them preserved in some manner where they would be safe from casualties and from the caprices of men, in some institution that will not die as man does." "That is all right," said Mr. Whitmer, but he did not change his determination not to part with the *Mss.*; but related the circumstance of the preservation of the *Mss.* during a cyclone which wrecked his house a year before, and of their being preserved in a trunk even from being discolored when all things else in the trunk turned mouldy while the family were camping in a tent following the cyclone. (*Pratt-Smith, Mill. Star*, Vol. XL., Nos. 49, 50).

30. Mr. Whitmer was under the impression that the *Ms.* he had was the one written by Oliver Cowdery from the dictation of Joseph Smith, as he translated it from the plates, and therefore the original English *Ms.* In this of course he was mistaken; as already set forth in the History (ch. XI), a special copy was made for the printer by Oliver Cowdery from the original *Ms.*, and this printer's copy was the one that Oliver Cowdery left with David Whitmer, and which he held in almost superstitious regard. Elder Joseph F. Smith on the occasion of the visit referred to in the text above, while examining the *Ms.*, found the names of the eleven Witnesses—the Three and the Eight—were written in the hand writing of Oliver Cowdery. "When the question was asked Mr. Whitmer," writes Joseph F. Smith, "if he and the other witnesses did, or did not sign the testimonies themselves, Mr. W. replied 'each signed his own name.' 'Then where are the original signatures?'" D. W. I don't know, I suppose Oliver copied them, but this I know is an exact copy. Some one suggested that he, being the last one left of the eleven witnesses, ought to certify to this copy. Lawyer D. Whitmer (Jacob's son) suggested that he had better reflect about it first and be very cautious.

J. F. S. suggested that perhaps there were *two copies* of the manuscripts, but Mr. Whitmer replied that, according to the best of his knowledge, there never was but the one copy. Herein of course he is evidently uninformed." (*Pratt and Smith Report Mill. Star*, Vol. XL., Nos. 49, 50).





married a Mr. Johnson. Elder Pratt made some inquiries about the History John Whitmer had kept in the early days of the Church—1831-1838; and which in the Spring of 1838, when leaving the Church, he refused to surrender to the Church;<sup>31</sup> but the ungracious son of John Whitmer, of whom Elder Pratt made his inquiries, either could not or would not give him any information.<sup>32</sup>

These apostle missionaries also visited Plano, Illinois, the headquarters of the "Reorganized Church," but the President, Mr. Smith, was absent. The purpose of this visit to Plano appears to have been to obtain some information concerning the *Ms.* of the "translation of the Bible—Old and new Testament" effected by Joseph Smith, the Prophet, 1831-1833, at Kirtland, the *Ms.* of which was in possession of his son, Joseph Smith, the president of the reorganized church. Mr. Smith not being at home they failed to obtain the privilege of examining the *Ms.*, but were invited to address a prayer meeting held at Plano, an opportunity of which they availed themselves to correct a number of errors which the "reorganized" following entertained.<sup>33</sup>

31. See Joseph Smith's Journal History of the Church, Vol. III, pp. 15, 16, where both his refusal, and formal demand for the records will be found.

32. *Orson Pratt* (to Jacob Whitmer, son of John Whitmer): Your father was once the Historian of the Church, and I am the present Historian; we are anxious to preserve all the items of history we can, we would therefore like to see the *Ms.* your father kept, and if possible, to, make satisfactory arrangements with you, to purchase the same, provided there is anything in the *Ms.* which we have not already published. I suppose you are aware that the history of the Church has already been published.

*Jacob Whitmer*.—We've got no history here, all father's papers have gone to Richmond long ago.

*Orson Pratt*.—We had a very pleasant interview with your uncle David, at Richmond. We arrived there last Friday, and remained two days, he showed us the *Ms.* of the Book of Mormon, but said nothing about having any other papers.

*Jacob Whitmer*.—We have got no papers here. Pratt-Smith Report *Mill. Star*, Vol. XL, p. 786. This Whitmer *Ms.* Record was afterwards copied by Elder Andrew Jensen, 1893, and the copy is now on file in the Historian's Office in Salt Lake City.

33. The testimony of Elder Pratt on this occasion, is very important, because he could speak as an authority with reference to the subjects he treated, being a participant in the incidents referred to, and for that reason they are here set down: "Mr. Dille, the presiding officer of the meeting, came to us and urged us to occupy the time. He said, 'this is a prayer meeting, and I have no right to change it, but many have expressed a wish to hear you and we would like very much for you to accept our invitation.' Elder Pratt replied, 'If it is the wish of all, I have no objections.' Mr. Dille then called a vote which was unanimous, and after the meeting was opened we were invited to the stand. Elder Pratt then gave a plain, simple narration of his early experience in the Church, relating many interesting inci-



From Plano the missionaries visited Kirtland and the Temple, thence to the Hill Cumorah and New York City, whence they returned to Utah. At the semi-annual general conference of the Church held in Salt Lake City both Elders Pratt and Smith made reference to their late mission to the eastern states; and Elder Smith explained that the purpose of the mission was to obtain if possible "some dates and facts that pertained to the early history of the Church, which, for the want of more correct records in that early date were lacking." The result of their investigations, however, had been disappointing: "they found no one who could give them any information, or who knew as much as ourselves on these matters."<sup>34</sup>

In December of the same year Orson Pratt was sent to England to get out stereotype plates of the Book of Mormon and of the Doctrine and Covenants. Both books were changed into the paragraphing that has ever since been followed, and the works were copiously annotated and cross referenced. This great work Elder Pratt accomplished within a year, returning to Utah in September, 1879.

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dents connected with its rise; explained the circumstances under which several revelations were received by Joseph, the Prophet, and the manner in which he received them, he being present on several occasions of the kind. Declared that sometimes Joseph used a seer stone when enquiring of the Lord, and receiving revelation, but that he was so thoroughly endowed with the inspiration of the Almighty and the spirit of revelation that he oftener received them without any instrument, or other means than the operation of the spirit upon his mind. Referred to the testimony which he received of the truth of the great latter-day work while as yet a boy. Testified that these things were not matters of belief only with him, but of actual knowledge. He explained the circumstances connected with the coming forth of the revelation of plural marriage. Refuted the statement and belief of those present that Brigham Young was the author of that revelation; showed that Joseph Smith the Prophet, had not only commenced the practice of that principle himself and taught it to others, before President Young and the Twelve had returned from their missions in Europe, in 1841, but that Joseph actually received revelation upon that principle as early as 1831. He said, 'Lyman Johnson, who was very familiar with Joseph at this early date, Joseph living at his father's house, and who was also very intimate with me, we having travelled on several missions together, told me himself that Joseph had made known to him as early as 1831, that plural marriage was a correct principle. Joseph declared to Lyman that God had revealed it to him, but that the time had not come to teach or practice it in the Church, but that the time would come.' To this statement Elder Pratt bore his testimony. He cited several instances of Joseph having had wives sealed to him, one at least as early as April 5th, 1841, which was some time prior to the return of the Twelve from England. Referred to his own trial, in regard to his matter in Nauvoo, and said it was because he got his information from a wicked source, from those disaffected, but as soon as he learned the truth he was satisfied. (Pratt and Smith report of their Mission, *Mill. Star*, Vol. XL, Nos. 49-50).

34. Minutes of the Conference *Mill. Star*, Vol. XL, p. 676.



During this apostolic period there began that wide spread and fierce agitation of the Mormon question in America which was to result finally in the special acts of congress which seemed to have for their object the utter destruction of the Church. In some respects the new agitation was to be projected along new lines. The "*Boston Watchman*," a "Christian" paper published in the interests of the "Baptist Church," outlined the new anti-Mormon campaign as follows:

"The first proposed point in the new campaign is to prevent the admission of Utah as a State until polygamy is abandoned.<sup>35</sup>

"The second is to induce Congress to repeal the law making women in Utah voters.

"The third is to induce congress to disfranchise every man and woman living in polygamous marriage. And if this is not sufficient 'to defeat the political views' of the 'Mormons,' 'to disfranchise the offspring of all unlawful wives.' "

"The fourth is to rescue the public schools from the control of the "Mormons," and to insist upon the establishment of free schools and prohibit the teaching of denominational sentiments in them.<sup>36</sup>

In November—the 7th—of the same year a public mass meeting of non-Mormon women, about two hundred in attendance, convened in the Congregational Church at Salt Lake City and drew up an Address to Mrs. Rutherford B. Hayes—wife of the President of the United States—"and the women of the United States." The address made a scathing arraignment of the alleged evils of polygamy, deplored its practice in the name of religion, and that a polygamist with four wives—George Q. Cannon—was permitted to sit in congress. The call was made upon the "Christian women of the United States to join in urging

35. "And the hope is expressed that when the 'Mormons' understand that there is only one obstacle to the accomplishment of their desires, they may be induced to remove it."

36. *Boston Watchman*, impression of Sept. 5th, 1878. The *Deseret News* commenting on the "New Campaign" said in its impression of Oct. 2nd—"The latest scheme for the disintegration of the system which has outlived and triumphed over all those forces and agencies, contains more of the elements of subtlety and craft than any that have preceded it. And, therefore, it is fraught with greater danger. It should be watched, exposed and counteracted; it is designed by the same persistent enemy—the Evil One, but it comes in a skillfully planned disguise. Its voice is gentle and it is clad in sheep's clothing. But the wolf is under the apparel of peace, all the same, and the object in view is destruction."





congress to empower its courts to arrest the further progress of this evil, and to delay the admission of Utah into statehood until this was accomplished." Congress was memorialized to the above effect, and a circular letter to the clergy asking that the address to Mrs. Hayes and the women of the United States be read to their congregations and then presented to their respective congregations for the signatures of the ladies, after which they were asked to forward the same to the congressman of their district for presentation to the national congress.<sup>37</sup>

There was a counter demonstration by the women of the Church of the Latter-day Saints, held on the 16th of the same month, in the Salt Lake Theatre, at which there was a very large attendance, 2,000—the building being packed to its capacity. The spirit and nature of the protest against the interference proposed in the new campaign in Utah may be judged by the preamble and the first resolution of the series adopted at the meeting and enthusiastically sustained by many impromptu speeches made on the occasion:

#### PREAMBLE AND RESOLUTIONS.

*Whereas;* We women of the Church of Jesus Christ of Latter-day Saints, have been misjudged by, and misrepresented to the nation, by those in our midst of our own sex, in regard to our most sacred rights—the rights which pertain to the holy relations of wifehood and motherhood, we do hereby earnestly, solemnly and emphatically declare our true sentiments, and invite a thorough and impartial investigation of our cause; Wherefore:

First, *Resolved*, That we, women of the Church of Jesus Christ of Latter-day Saints, and loyal American citizens, claim the right guaranteed by the Constitution, that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof;" a right which we seek to exercise, not to the injury of others, but within the pale of peace and justice, of life, liberty and the pursuit of happiness, according to the dictates of our own consciences."<sup>38</sup>

37. The address, memorial and circular to the ministers will be found complete in *Deseret News* of Nov. 13th, 1878, Mrs. S. A. Cook presided at the meeting, and Mrs. M. M. Banc acted as secretary of the meeting.

38. The proceedings of the meeting in full together with the Resolutions and supporting speeches will be found in *Deseret News* of Nov. 20th, 1878; also in part in the *Mill. Star*, Vol. XL., No. 51, p. 861 *et seq.*—the resolutions are omitted in the *Star* account of the meeting.



The cause was taken up in many other parts of the Territory of Utah, where a similar course as to meetings and resolutions was taken as in Salt Lake City.

The agitation went on through the year 1878; scarcely a news paper in the United States but what devoted more or less space to the subject, and the prevailing tone was one of bitterness. The same agitation continued through 1879.

One of the contributing causes to this sustained newspaper agitation was the notorious "Miles polygamy" case, that in its various hearings, trials, and appeals, reaching at last the supreme court of the United States, ran a course of about three years. The arrest of Miles took place on the 25th of October, 1878 in Salt Lake City. A hearing was immediately had before United States commissioner Sprague, who adjudged the evidence to be sufficient to establish the probable guilt of the defendant, and therefore held him under bonds in the sum of \$1,500 to await the action of the grand jury.<sup>39</sup> In due course Miles was indicted by the grand jury, and the case came to trial on the 28th of April, 1879.

The complaining witness before the U. S. commissioner in the preliminary examination had been Edward C. Brand, but the real complainant was Carrie Owen, wife of the defendant, prompted thereto by her jealousy of Emily Spencer whom she suspected of being the wife of Miles as well as herself. Her course was very sensational, and the anti-Mormon press and United States' officials made the most of it. At one stage of the proceedings before the commissioner a *habeas corpus* proceeding was begun before Judge Shaeffer, the allegation being made that Carrie Owens was being unlawfully held by Miles and Angus M. Cannon, but those gentleman in their answer disclaimed any right or intention to restrain her, and the matter was dropped. It was also charged that having left the house of Mr. Cannon where a wedding reception was given in her honor, she was forcibly dragged back to it. It was even charged that she had been decoyed from her home in London, brought to Utah

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39. For record of the examination of witnesses before U. S. Commissioner, etc., see *Deseret News*—Weekly—of Oct. 30th and Nov. 6th; and for the testimony at the trial see full court record in *Deseret News* of May 7th, 1879.



“rushed through an unnatural ceremony with two other women, taken to the house of Angus M. Cannon (a friend of Miles) and there cruelly outraged in the name of religion.” All these charges and many others Miss Carrie Owen or Mrs. Miles emphatically denied in a signed statement to which she made affidavit, the same being published in the press of Salt Lake City.<sup>40</sup> She became reconciled to her husband after the preliminary hearing before the commissioner and went with him to St. George during the winter of 1878-9. But by the time the Miles case came to trial in April she was again violently opposed to him and testified against him even more directly than at the preliminary hearing, repudiating as untrue the affidavit she had published exonerating the Church and Miles from any wrong towards herself; saying that she wrote the affidavit as Miles dictated it, as making such a statement, and certifying it by affidavit, was the only terms on which he would become reconciled with her.<sup>41</sup> The trial jury—anti-Mormon throughout<sup>42</sup>—quickly brought in a verdict of “guilty” as charged. Sentence was deferred pending a hearing of a motion for a new trial, which hearing was had on the 2nd day of June following. The motion was over-ruled the same day, and Miles was sentenced to pay a fine of \$100 and to serve five years imprisonment. An appeal was taken to the supreme court of the Terri-

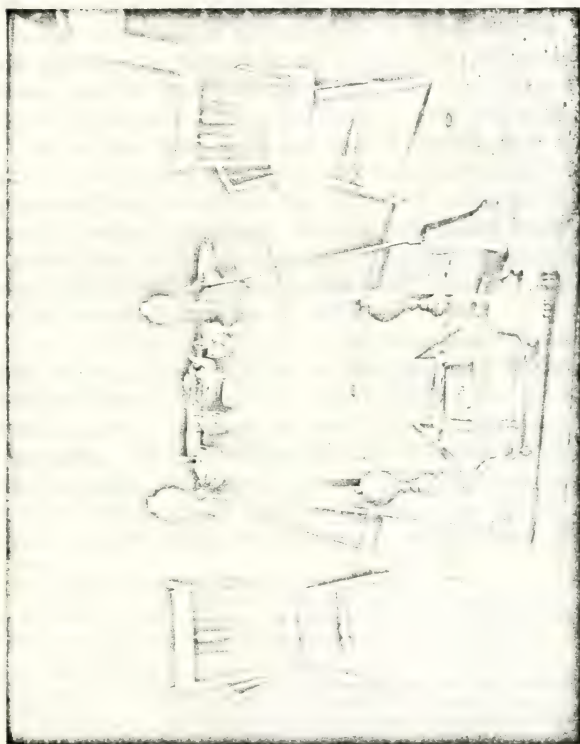
40. See Salt Lake *Herald* of Nov. 5th, 1878.

41. For statement in full see Salt Lake *Herald* of Nov. 5th, 1878, and *Deseret News*—Weekly—Nov. 13, 1878. For her testimony in the Miles trial repudiating her affidavit see *Deseret News* of May 7th, 1879. In the course of her affidavit Miss Owen or Mrs. Miles had said: “My husband has never informed me that he has another wife, and outside my own suspicion I have no knowledge that he has one. I have heard him most emphatically deny that he married the girls of whom I was jealous.” “I am deeply sorry that my suspicions should have induced me to have taken a course whereby I have brought upon my brethren and sisters, my husband and myself unmerited odium, and my only desire in writing this is to acquaint the public with the facts of the case and leave them to judge for themselves concerning the issue.”

42. “In all my life,” said Judge Tilford, council for defendant, in his address in the case, “I never saw a trial in which the defendant had not a single friend or acquaintance or fellow believer upon the jury until the present time.” District attorney J. H. Beatty, in presenting the case to the jury for the prosecution, said: “We are here to try the case, to decide the issue between the Mormon Church and the United States government.” To this Judge Tilford replied: “My friend, Mr. Beatty made the remark that the issue was between the government on the one side, and polygamy and the Church on the other. But I am satisfied that you will not accede to that view. The only issue before you, gentlemen, is whether John H. Miles is guilty as charged. (For all above see *Deseret News*, 1879, pp. 221 and S. L. *Herald*, Nov. 5th, 1878.)







RELICS FROM THE OLD TAVERN AT HOLLIS, L. I.



tory which confirmed the action of the trial court. An appeal was taken to the supreme court of the United States, which reversed the decision of the Territorial supreme court, April 4th, 1881, remanding the case for a re-hearing which was never had, the U. S. district attorney holding that it would be impossible to prove the marriage of Miles with Emily Spencer, the alleged first wife.

The conviction of Miles rested primarily upon the testimony of Carrie Owen, and as her marriage to Miles was the only marriage proven—the fact of it was admitted by defendant, and he offered proof of it—it was held that she was incompetent as a witness in the case since a husband or wife under the statutes of Utah at that time could not testify against each other. All other errors pleaded were set aside, but on the error of the trial court admitting in evidence the testimony of Carrie Owen Miles to prove another marriage, and the trial judge instructing the jury that they might consider her testimony, erred; and on that ground the United States supreme court reversed the action of the Utah courts,<sup>43</sup> as already stated.

John H. Miles and Carrie Owen Miles were of course separated by their trials. Miles, at last accounts of him, was reported as living in Bear Lake county, Idaho; and the woman accepted a clerk's position in one of the government offices at Washington. In 1881, during the anti-Mormon agitation of the period she made an alleged expose of the endowment ceremonies published in the Hand Book on Mormonism, edited by J. M. Coyner, 1882.<sup>44</sup> Later she is heard of as appearing in conjunc-

43. On this point the syllabus of the case said:

"It is only in cases where the first marriage is not controverted, or has been duly established by other evidence, that the second wife is allowed to testify; and she can then be a witness to the second marriage, and not to the first.

"The plaintiff in error, lastly, claims that the court erred in allowing Caroline Owens, the second wife, to give evidence against him touching his marriage with Emily Spencer, the alleged first wife; and in charging the jury they might consider her testimony, if they found from all the evidence in the case that she was a second and plural wife. This assignment of error, we think, is well founded.

The law of Utah declares that a husband shall not be a witness for or against his wife, nor a wife for or against her husband. \* \* \* \* \* It is only in cases where the first marriage is not controverted or has been duly established by other evidence, that the second wife is allowed to testify, and she can then be a witness to the second marriage, and not to the first."

For the error indicated the judgment of the Supreme Court of the Territory of Utah must be reversed. (U. S. Supreme Court Reports—Complete Edition Book XXVI pp. 481-485.)



tion with Kate Field and other Anti-Mormons before a congressional committee considering the Edmunds Tucker law—1886-7; after that, oblivion.<sup>45</sup>

A greater sensation in Utah and throughout the United States than the Miles case itself was an incident of the trial resulting in a brief imprisonment of Daniel H. Wells for alleged contempt of court. Mr. Wells, with several other prominent church officials,<sup>46</sup> was a witness in the Miles case. And it was the theory of the prosecution that Mr. Wells had performed the ceremony of marriage in the case of Miles and his wives—both Emily Spencer and Carrie Owen. The one thing needful to the success of the prosecution was to prove the marriage of the defendant Miles with Emily Spencer, the alleged first wife, the marriage with the Owen woman being admitted by the defendant. One of the points of evidence the prosecution sought to introduce was that in the marriage ceremonies performed in the endowment house, parties to be married wore certain endowment robes, caps, veils, aprons, etc., and that Emily Spencer had been seen in the endowment house wearing this alleged apparel on the day of her supposed marriage. Mr. Wells had testified that he was acquainted with Miles, but did not remember to have seen him or Emily Spencer at the endowment house on the date of the alleged wedding, although he was at the endowment house, and believed he had performed marriage ceremonies that day. At this point he was questioned as to the endowment clothing worn at the wedding ceremony, and witness declined to answer. The court instructed the witness with regard to his privileges, and the grounds on which he might refuse to answer. As he persisted in his refusal to answer, and the prosecution insisted upon the question,<sup>47</sup> Mr. Wells was

44. See pp. 23-30; and for declared authorship, p. 96.

45. See Whitney's Hist. of Utah, Vol. III, pp. 75 and 560.

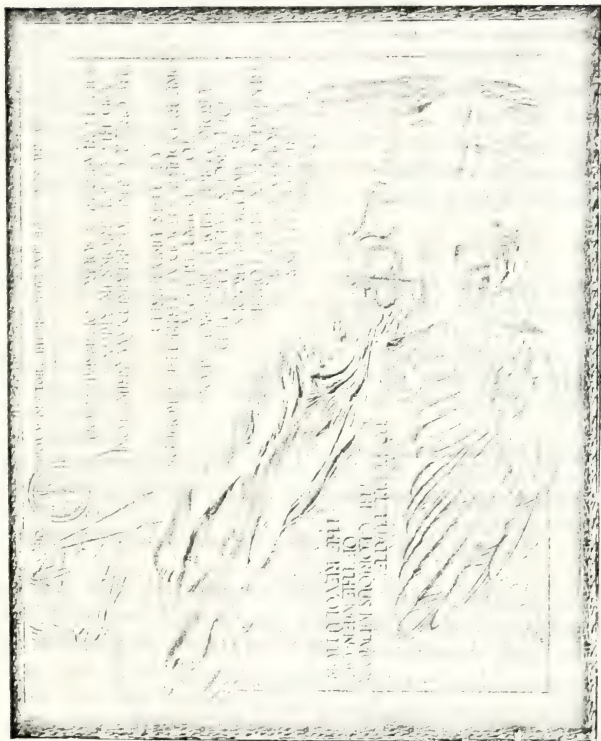
46. Of this class of witnesses were John Taylor, president of the Church; Joseph F. Smith, counselor in the First Presidency; Daniel H. Wells, counselor to the quorum of the Twelve Apostles; Angus M. Cannon, President of the Salt Lake State of Zion; private secretary to the First Presidency, George Reynolds, was also called, but by this time being himself under conviction for polygamy he was not allowed to testify.

47. "Last October (1878), when the Miles case was before Commissioner Sprague the District Attorney (P. T. Van Zile) made the boast that he would yet cause all the rites of the endowment house to be exposed in open court." *Deseret News*—Weekly—May 7th, 1879. The Wells case was doubtless the effort of the attorney to carry out his boast, but he failed.





# HISTORY OF THE MORMON



TABLET, NEW YORK UNIVERSITY  
(By Albert Weinert)



committed to the care of the U. S. Marshal, with instructions that he appear the next day to show cause why he should not be committed for contempt of court.

The following day Mr. Wells with his attorney appeared in court and expressed a willingness "to answer the question if possible." Such answers as he gave, however, were not satisfactory. The prosecution put the question in a slightly different form: "Do they [the parties to be married] wear a green apron at marriages in the Endowment House?" Mr. Wells declined to answer, stating that he was under a sacred obligation to preserve secret the things he was now required to reveal. Then this passage followed between the prosecuting attorney and the witness:

*Attorney Van Zile.*—Then we are to understand that you have taken an *oath* not to reveal what takes place in the Endowment House?

*Witness.*—I did not say so. I said a *sacred* obligation. I considered it as sacred as any oath taken in a court of justice.

*The Court* said the witness had not purged himself of contempt but was again in contempt.

*Witness.*—I consider any person who reveals the sacred ceremonies of the Endowment House a falsifier and a perjurer; and it has been and is a principle of my life *never to betray a friend, my religion, my country, or my God*. It seems to me that this is sufficient reason why I should not be held in contempt.<sup>48</sup>

The court held that the witness had not purged himself of contempt and sentenced him to pay a fine of \$100, and to imprisonment for two days. Mr. Wells was immediately taken to the penitentiary by U. S. Marshal Shaughnessy where a room was allotted to him and he was treated with kindness.<sup>49</sup> The heroic answer of Mr. Wells made a strong appeal to his ecclesiastical associates and to the Latter-day Saint community, and a public demonstration was quickly planned, to be carried out at the expiration of his brief imprisonment, as an expression of admiration for the stand he had taken in maintaining a high personal privilege—the right, according to a solemn obligation,

48. Court Proceedings in *Deseret News*—Weekly—of 7th May, 1879.

49. *Ibid.*, p. 217.



to keep sacred and not reveal religious rites and ceremonies with associated paraphernalia. Accordingly notice was given through the press in Salt Lake City and by special messengers to the surrounding settlements near enough to participate in the proceedings, that such a demonstration would be given to "General Wells"—to drop back to his title in the Echo Cannon war period—consisting of a great procession to meet him on his release from prison and accompany him to the Tabernacle in Salt Lake City, where a special program of music and speeches would be held in his honor.

The response to this call for a demonstration was spontaneous, enthusiastic, and large. Trains from both north and south came laden with Presidents of Stakes, High counselors, Bishops and other leading men, mayors and city councilors, with several bands of music from Bear Lake, Cache, Boxelder, Weber, Davis, Utah and Juab counties. The procession met General Wells midway from the city to the penitentiary, at the farm home of his friend, Col. R. T. Burton, where the General had spent the night after his release from prison, the previous evening. President John Taylor on meeting with General Wells, rose in the barouche in which he had driven from the city, and in the presence of an ever increasing throng of carriages and people, thus addressed him:

*"President Wells,* In behalf of the community who feel outraged by the treatment you have received, I propose to present to you the confidence, the respect, the honor and the esteem of the people whose hearts, feelings and affections are with you.

"We do not come here to interfere with any matters pertaining to the action of courts; we leave an intelligent public to act upon that matter, and to judge according to their wisdom and discretion. But we have come to exhibit to you our esteem and to show you that whilst you are true to your friends, your principles, your country, and your God, that your friends are equally true to you. \* \* \* We have come, General Wells, to wipe away a stain sought to be placed upon you by the bigoted, unreflecting, and thoughtless; and this demonstration is the spontaneous impulse and action of a generous, patriotic, kind-hearted and friendly people. For this purpose we have assembled here to-day; and in behalf of this whole community, I tender to you our sincere regards and our most heartfelt sympathy."





To this the General answered:

"I will simply say that I should feel exceedingly sorry for myself if I felt, for a single moment, that any of my friends supposed or could entertain the idea that I could do otherwise than I have done. I would be sorry for myself to feel, or to even think for a moment, that I could swerve from my integrity to the covenant which I have had the privilege, yes, the inestimable privilege, of making with my God. I can well afford to suffer bonds, fines, and imprisonment, and even death if necessary—which by the way has no terrors for me—but to forfeit my fellowship with you, my brethren, or a single particle of that confidence which is reposed in me by the people of God, through violating the sacred and holy covenants we have entered into, I could not afford. That would indeed be a source of sorrow and regret, not only through time but for all eternity."<sup>50</sup>

General Wells entered the carriage occupied by President Taylor, Feramorz Little, Mayor of Salt Lake City, Angus M. Cannon, President of the Salt Lake Stake of Zion, and Edward Hunter, Presiding Bishop of the Church. The barouche was drawn by four white horses and led the procession of carriages and horse-men in a brisk trot up East Temple, or Main street. On this street for several blocks were formed the Sunday schools of the city, Female Relief Societies, Improvement Associations, the city fire brigade *en regalia*, quorum organizations of the Priesthood, Scandinavian and German citizens, "and a vast concourse of people, some on the streets and others filling the balconies and standing on the roofs of the stores and houses." Most of the principal stores were closed and hundreds of flags, banners, mottoes, and streamers on which appropriate sentiments were emblazoned were displayed. "The enthusiasm of the populace was immense and the appearance of General Wells was greeted with deafening cheers, as the procession moved at a walk up east Temple street." From lateral streets there streamed into the procession as per the orders of the committee in charge a constantly increasing number of carriages until by actual count they numbered over three hundred; after these

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<sup>50</sup> *Deseret News*—Weekly—of May 14th, 1879. The quotations above are but excerpts from the speeches. They appear in full in the *News*, cited.



came a long line of women and children on foot, followed by a long line of wagons three abreast, "And too numerous to count." "Ten thousand persons took part in the procession and fully fifteen thousand more were spectators." The Great tabernacle was crowded to its capacity, and thousands were unable to gain admission. Seven bands of music sat with and accompanied the great Tabernacle Choir. The speeches and addresses were spirited and patriotic. Around the gallery of the tabernacle were arranged the mottoes and streamers carried in the procession. Some of these were striking in their sentiments. The spirit of all, and there were many of them, may be judged by the following:

*"If courts compel men to dishonor and forswear themselves, how can they expect perjurers to give truth in evidence?"*

*We honor the law and its just administration, but we despise petty tyranny.*

*We will teach our children to be true to their country and their God; but to perjure themselves never! No never!"*

#### God's Law.

*"Thou shalt not forswear THYSELF; but shall perform unto the Lord thine oaths."*

#### MODERN LAW.

*"Thou shalt forswear thyself, or go to prison."*

*"When Freemasons, Oddfellows, and others are compelled to make their secrets public, it will be time enough to practice on 'Mormons;' try the others first.*

*"Prisons are made for thieves, vagabonds, and law breakers; not for honorable men; when used for such purposes, we honor the prisoner more than the persecutor.*

*"Honor to the man who is true to his religion and his God, and who cannot be overruled by judicial tyrants.*

*"While we contend for religious liberty, we do not rebel against the government.*

*"The rights of conscience we never submitted, we could not submit, we are answerable for them to our God.—Thos. Jefferson."*

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51. Deseret News—Weekly—of May 7th, p. 217. The Tabernacle proceedings in full will be found in Deseret News—Weekly—of May 14th, 1879.

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The American flag was everywhere in evidence, flags carried by the people and festooned in the stand and gallery draperies, and everywhere honored.

And thus did the Latter-day Saints seek to honor one who had made it the principle of his life, "never," to quote his own words—

*"Never to betray a friend, my religion, my country, or my God."*

During the year 1879 the Anti-Mormon agitation was enlivened by the action of Mr. Wm. M. Evarts, secretary of state in President Hayes cabinet, in sending an official circular letter of instruction to the diplomatic officers of the United States in various European countries—especially in England, Germany, Norway, Sweden, and Denmark—alleging that annual statistics of immigration into the United States, showed that large numbers from various countries of Europe came to America with the avowed purpose of joining the Mormon community in Utah; that the system of polygamy prevalent in the community of Utah was largely based upon and promoted by these accessions from Europe; that polygamy, or Mormon plural marriage, was pronounced by the laws of the United States to be a crime against the statutes of the country and punishable as such. The secretary held that under whatever specious guise the subject might be presented by those engaged in the movement "to swell the numbers of the law-defying Mormons of Utah," their action could not be regarded otherwise than a deliberate attempt to bring persons to the United States with the intent of violating their laws expressly punishable as penitentiary offenses. No friendly power, the secretary said, would knowingly lend its aid, even indirectly, to attempts made within its borders against the laws and government wherewith it is at peace. It was not doubted, therefore, that when the attention of the several governments wherein the work of the Mormon proselyting was going on was called to this subject, said government would take such steps as would "be compatible with its laws and usages to check the organization of these criminal enterprises by agents then operating beyond the reach of the law of the United States," "and to prevent the departure of those proposing" to come to the





United States "as violators of the law by engaging in such criminal enterprises by whomsoever instigated." United States ministers were instructed to present the subject of this circular letter to the respective governments to which they were accredited and to "urge earnest attention to it in the interest "*not merely of a faithful execution of the laws of the United States, but of the peace, good order and morality which are cultivated and sought to be promoted by all civilized countries.*" They were further instructed to fortify their representations on the subject by the citation of any facts which might come to their notice concerning the Mormon emigration from the country to which they were accredited. And to this end the consular officers in their jurisdiction had been instructed to communicate such information as they might be able to discover. "*Your timely protest,*" said the circular to the ministers, "*in cases where the probable departure of Mormon emigrants is reported or known to you, would probably prove a weighty auxiliary to the general representation you are instructed to make.*" Also the ministers were authorized, at their discretion to use the press in their respective jurisdictions in calling attention to the determination of the United States government, to enforce the law and eradicate the institution of polygamy.<sup>52</sup>

The action of the secretary subjected him to a storm of ridicule in the press of the country, and even in foreign lands. The general tone of American comment is perhaps best reflected in the comments of the *New York Sun* when publishing the text of the circular:

"It is now easy to understand why Mr. Evarts' department has been reluctant to make the circular public. For such a request as Mr. Evarts makes of foreign powers, he can probably show precedents in the diplomatic correspondence of Phillip II, and Cardinal Granville. The nineteenth century's conception of international law has been entirely overlooked in the preparation of this remarkable paper. Now let Mr. Evarts instruct his diplomatic agents abroad to ask the foreign powers—as a favor and a friendly act toward the United States—to hang any of their subjects who may become murderers after their arrival

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52. The Evarts Circular Letter complete will be found in *Deseret News*, of Oct. 8th, 1879; and in *Mill. Star*, Vol. XLI, pp. 638-40.



in this country. The foreign powers are said to have been astonished by Mr. Evarts' circular. They had reason to be amazed."<sup>53</sup>

The spirit of the British comment may be judged from an editorial in the *London Times* written upon receiving a telegraphic summary of the circular letter.

"Emigration commissioners may distribute tracts at the out-ports, just as they supervise the cabin accommodation for emigrants; but how are we to curtail the freedom of action of men and women who have contravened no law? We cannot of course pretend to speak with absolute precision of the powers and authorities sanctioned by the Constitution of the United States, yet we may venture to say that it is not at once plain by what means the United States Government could undertake to prohibit the landing of Mormon converts in the ports of the Atlantic. \* \* \* We are not likely to extirpate the errors thus willingly embraced by the adoption of any measures that savor of persecution. Mormonism is more likely to die out than to be crushed out." \* \* \* If the United States Government had determined to prohibit the landing of any Mormon proselytes in New York, or their passage across the Canadian frontier at Detroit, it would be necessary to declare the profession of Mormonism to be an offence in itself, and to institute a kind of inquisition of the religious opinions of immigrants. It is scarcely conceivable that legislation should go this length, and yet it must proceed to this extremity if it is to be sufficient for the purpose in view. And, whatever may be done by the United States congress, it is quite unconceivable that our parliament should take any action to confer on the executive government a

53. New York *Sun*, quoted in *Deseret News*—Weekly—of Oct. 15th, 1879, p. 582. The New York *Graphic* treated the circular to this bit of doggerel: "Mr. Evart's anti-Mormon letter to the diplomatic officers abroad:—

"I want you to see  
That every-ee  
Man who migrates  
To the United States  
Has no more than one wife  
To trouble his life;  
For it's not a good plan  
For a single man  
To marry and carry  
A harem  
With him  
For I've promised some ladies  
O'er a cup of Bohea  
To stop import of Mormans  
From over the sea".



power of interfering with Mormon emigrants. These deluded people have offended against no law of ours, and no law could be suggested as likely to pass that could extend to them."<sup>54</sup>

At Liverpool, Mr. George Ramsden, agent for Guion and Co., Shippers,—with whom the Church had transacted its immigration business for many years—arranged for an interview between Mr. Packard, U. S. Consul at Liverpool, and Elders John Nicholson and Francis Cope—Elder William Budge, president of the European mission, being absent at the time. The probable effect of Secretary Evarts' circular was quite thoroughly discussed. It was pointed out by Mr. Nicholson that "the people who emigrate to Utah had formed no polygamic marital connections, probably had not the slightest idea of entering into that relation, besides the certainty that great numbers of them never would. "Therefore they were neither lawless in point of fact nor intention, said Elder Nicholson; "consequently we cannot but view any attempt to stop them going to Utah as unwarranted by law, right, or precedent. Such action would necessarily have to be founded upon the frail basis of a supposition regarding the possible intention of the parties against whom it would be directed."

Finally the following dialogue took place between the Elder and the consul:

"Elder N.—Supposing you learned that a party of our people were about to leave this port, what course would you take, as directed in your instructions?

"Consul.—I should acquaint the Legation at London, that the British authorities might be asked to interfere with the departure of the company. I should also duplicate the information to the Secretary of State, of the United States.

"Elder N.—In the event of a refusal of the British authorities to act, do you think the United States government would prevent the people from landing at New York.

"Consul.—No. The mere supposition of such action is unreasonable. There is no existing law that would warrant such a course."<sup>55</sup>

54. *London Times* of Aug. 12th, 1879. Very many comments from the press of the United States and England will be found in *Deseret News* current impressions of August-September, 1879.

55. *Milk Star*, Vol. XLI, pp. 600-602.





About a month later the consul at Liverpool was informed from the Latter-day Saint shipping office of the intended departure of a shipload of Latter-day Saints. Mr. Packard informed the American Legation at London which in turn laid the matter before the British government, and Mr. Cross, Home secretary of Great Britain directed the chief police officers of London and Liverpool,—and perhaps also of other cities—to publish the following notice:

*DOVER*—“*Notice to Emigrants and Emigration Agents.*”

“Whereas there is reason to believe that a system of solicitation extensively prevails to induce persons to emigrate from Great Britain to the United States, for the purpose of joining the Mormon community at Salt Lake, in the Territory of Utah, this notice is to warn all persons that the law of the United States prohibits the practice of polygamy existing in the Mormon community, and renders any person who engages therein liable to a heavy fine and long period of imprisonment.

“J. J. Greig, Head Constable.

“Central Police Office, Liverpool, 18th October, 1879.”<sup>56</sup>

This was all that was done, indeed, according to a very foolish and a very inadequate explanation of his circular letter, all that Mr. Evarts expected to be done.<sup>57</sup>

Thus Mr. Secretary Evart's mountain labored, and after severe pains brought forth this puny mouse, and diplomatic Europe was laughing at the spectacle the American state department was making of itself.

Still more ludicrous than the state department of the government was the American “Christian pulpit made, about a year

56. Copied into *Mill. Star*, Vol. XLI, pp. 681-2.

57. “Mr. Secretary Evarts was interrogated recently, at Washington, regarding the intent of his circular. The honorable gentleman protested that the purport of that remarkable document had been greatly misunderstood. He asserted it was not proposed to check, or stop the “Mormon” emigration. The circular was merely issued that the governments of those countries from which the ranks of the “Mormon” Church are said to be recruited, might be induced to warn their citizens that there is a law of the United States for the punishment of polygamy, and that it is the determination of the United States government to enforce it.” If this statement is compared with the circular itself, or even with those excerpts of it quoted in this chapter, it will be seen that Mr. Evarts attempted very much more than to get such notice served upon Latter-day Saint emigrants. His explanation of the intended scope of his instructions to the American foreign legations, is not likely to inspire respect for Mr. Secretary Evarts.



later, by the sensational anti-Mormon suggestions and recommendations of Rev. DeWitt Talmage. At the Brooklyn Tabernacle on the 26th of November, after making most sensational statements against the Latter-day Saints in Utah, he said:

"Then I say away with it [i. e. Mormonism]. Moral persuasion first, if possible; but moral persuasion, I tell you, will not accomplish it. They have declared over and over again that they will let their city go down under the bombshell before they will surrender polygamy, and I tell you that Mormonism will never be destroyed until it is destroyed by the guns of the United States' government. It would not be war. I hate war. It would be national police duty, executing the law against polygamy. \* \* \* If there be any truth in the transmigration of souls, I hope that the soul of Andrew Jackson will get into the body of some of our Presidents, and make a proclamation that within thirty days all these Mormons must decide upon one wife, or go to jail, or quit the country. Then have Congress make provision for the carrying out of this order. If the Mormons submit to the law, all right. If not, then send out troops of the United States government, and let them make the Mormon Tabernacle their military headquarters, and with cannon of the biggest bore thunder into them the seventh commandment."<sup>58</sup>

There was much more to the same effect, but this represents the general tenor of the discourse. Two weeks before, in announcing an anti-Mormon lecture in his church during the week, he said: "God will smite this nation to destruction if Mormonism is not driven out. It is the arch-enemy of the nation and is gaining strength every day."<sup>59</sup> Comment on this radicalism was various; but generally it was condemned by the leading newspapers of the country.<sup>60</sup>

58. *New York Tribune* of Sept. 27th, 1880.

59. *Deseret News*—Weekly—of Dec. 1st, 1880, after quoting *New York papers*, the *News* editorially, said: "The tirade of mingled calumny, invective and brutality delivered by Dr. Talmage in the Brooklyn Tabernacle, as reported in the *New York Express* and other papers, seems to delight a certain class of persons laying claim to the title of Christians. \* \* \* The *New York Herald* seems to be delighted with the way in which Talmage 'went for the wicked 'Mormons,' to use its own elegant phraseology, but thinks there are difficulties in the way of breaking up the 'Mormons' to which Talmage has not obtained the key." (*Deseret News* of Oct. 20, 1880).

60. The *New York Sun*, for example, said: "Talmage now calls loudly on the President about to be elected to blow up a great community because their ideas of marriage differ from his. He does not propose to set about the work of converting them to better ways, but would march an army against them, and 'with cannon of



Scarcely less radical than Rev. Talmage was the Rev. Joseph Cook; who in Boston, as the former in Brooklyn, vented his bitter spleen against the Church of the Latter-day Saints, calling upon his hearers to "strike at the Upas tree" which was then "shedding down its poison on a Territory larger than New England." "Strike," said he, "where President Hayes tells you to let the ax fall. [i. e. take away the political power of the sect which encourages and sustains] polygamy, and govern the Territory by a commission],<sup>61</sup> and this Upas tree, which now is the curse of the whole Basin region, will drop as a compost heap, and give you there, ultimately, purity and wealth."<sup>62</sup>

One of the incidents which grew out of this very wide-spread and bitter anti-Mormon crusade in the United States was the killing of Elder Joseph Standing near Varnal station, Whitfield county, in the state of Georgia, on the 21st of July, 1879. A brief statement concerning the work of the Church in the south, properly precedes the narrative of the incident.

Just before the war between the state began, the missionary Elders of the Church in the Southern States, and as many of the Latter-day Saints as could be induced to accompany them, left the south for Utah; and it was not until several years after the close of the war that the mission was again opened. There had

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the biggest bore thunder into them the seventh commandment." \* \* \* We can't give up the shooting. The seventh commandment must be fired into the Mormons. But what good can even the Decalogue do a polygamist when he has to be blown to pieces in order to have it fired into him? "The gospel was first preached among polygamists? Did its founder direct that men should give up all their wives except one or take the alternative of being cut into pieces? Even the seventh commandment, which Talmage would blow into the Mormons with the biggest guns, was uttered amid the thunders of Sinai to a polygamous people, and from that day to this the world has gone on in the practice, the spread of purer and higher ideas of marriage coming out as a slow development and affecting only a part of the great races on the globe.

"Moreover, if we accept Talmage's bloody and violent method in lieu of the benign method of persuasion, and example, of love, kindness, and charity preached by Christ, we must lay in guns of the biggest bore by the hundred gross. While we are sending a battery to the Mormon Tabernacle, we must be getting ready one for Talmage's tabernacle also, and there will be thunder all around.

"We imagine, therefore, that President—Hancock—[the General, it will be remembered, was but the nominee for the Presidency at the time, and was defeated by Garfield] will hesitate about adopting this Christian preacher's plan for blowing the Decalogue into our citizens from the cannon's mouth." (Quoted in *Deseret News—Weekly*—of October 13, 1880).

61. See "Messages and Papers of the Presidents," Vol. VII, p. 606.

62. *Christian Advocate*, quoted in *Deseret News—Weekly*—of Dec. 24, 1879; and the *Cincinnati Times* (Id.)





been some individual work done in various parts of the south after the close of the war and before the year 1875, yet it was not until that year that an effort to organize the Southern States mission was made. During this year Henry G. Boyle, from one of the Arizona settlements—Pima, Graham county, established a branch at Shady Grove, Hickman county, Tennessee, "at which the initial move looking to establishing permanent headquarters was begun."<sup>63</sup> At the October conference in Salt Lake City, 1875, seven Elders were called on missions to the Southern States, including in the number Joseph Standing, from Hampton's station on Bear River, Box Elder county, Utah; and John Morgan of Salt Lake City. This group of seven Elders reported to Elder Boyle, and at their first meeting they elected him to be their president. This election was ratified by the general authorities at the October conference of the Church in 1876, at which time Elder Boyle was set apart as president of the mission. Elder Boyle returned to the south afterwards, accompanied by twelve additional elders, and the work was opened in various districts of Tennessee, Arkansas, Alabama, Georgia, Mississippi and Virginia, where the interest became great and baptisms quite frequent.<sup>64</sup>

It was during these years that emigration of Latter-day Saints began from the Southern States to the Mormon settlements in Arizona and in the San Luis Valley, Colorado. In January, 1878, Elder John Morgan was appointed to succeed Elder Henry G. Boyle as President of the mission,<sup>65</sup> and at

63. History of the Southern States Mission, in the "*Southern Star*," Vol. 1, p. 1.

64. On April 6th President Boyle reported eleven Elders in the field,—a number who had been previously engaged in the south had been honorably released to return home—five organized branches with a membership of 215, and a scattering membership of 60, being a total membership of 276. (Hist. Southern States Mission, in *Southern Star*, Vol. 1, p. 9.)

65. "John Morgan \* \* \* was the son of Gerrard Morgan and Ann Eliza Hamilton, and was born Aug. 8, 1842, at Greensburg, Decatur county, Indiana. During the war of the Rebellion, which broke out when he was eighteen years of age, he joined the Union army, and served with honor and distinction, participating in several of the most important battles. Coming to Utah at the close of the war, he was soon engaged as an instructor in the University, when that institution was conducted in the Council House, Salt Lake City. Later, he established the Morgan Commercial College on First South street, in a building located where the Morgan (now Continental) Hotel now stands. Having become converted to "Mormonism," he was baptized by Robert Campbell, Nov. 26, 1867, in Salt Lake City, and ordained an Elder by Wm. H. Folsom, Oct. 24, 1868." (Latterday Saints Encyclopedia, Jensen—1901, p. 204). Elder Morgan served as President of the Southern



once inaugurated a vigorous propaganda throughout all the Southern States. Scores of Elders were called from Utah to labor in the mission which resulted in a large in-gathering of converts, and the organizing of many branches and conferences of the Church in the south.

This success of the Church propaganda in the Southern States produced much comment through out the press of the country, and was apparently a source of annoyance to the sectarian churches, and resulted in a great amount of the anti-Mormon literature of the period being circulated in all parts of the south, that tended to create the impression among the people that the Church of the Latter-day Saints was out-lawed, and her representatives the legitimate objects of mob violence, all too prevalent in the south, at that time. "The government of the United States is against you," said one of the mob, when young Joseph Standing expostulated with them on the lawlessness of impending violence, "and there is no law in Georgia for Mormons."<sup>66</sup> This condition as it developed in Whitfield county, where Elder Standing was laboring, became a matter of correspondence between his excellency, Governor Colquitt, of Georgia, and the Elder about a month before the tragedy. This correspondence shows an intelligent comprehension of the rights possessed by himself and his brethren, and of the Saints in Georgia under the law; and gives evidence of clear thinking and courage on the part of Standing, then but twenty-six years of age. The correspondence is here given in full:

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States Mission for thirteen years, during which time he gave brilliant service in Church propaganda. He was well acquainted with the people of the south whom, during his service in the union army, he learned to esteem; and gave more than thrice the number of years to teaching them the truths of the gospel than he had served in the army to maintain the Union. A very close personal friendship with John Morgan may justify the writer in saying that of the men engaged in the work of propaganda under the authority of the New Dispensation, none was more suited to the work, and but few were more successful than he. He was a man of a high sense of honor; of broad charity; keen of intellect, gentlemanly and polished in his manners, and brave to the point of reckless daring. He came of a stock noted for desperate courage, being a nephew of the noted confederate leader "Morgan the Raider," and uncle and nephew fought each other up and down the Lebanon and Murfreesboro pike for several weeks during the war. He was ordained a member of the First Council of the Seventy in October, 1884, a position he held and honored up to the time of his death, which occurred ten years later.

66. Hist. Southern States Mission. Southern Star, Vol. 1. 58.



*Standing's Letter to Gov. Colquitt.*

"Van Zant Store,  
Fannin county, Ga.,  
June 12th, 1879.

Dear Sir:—As an Elder of the Church of Jesus Christ of Latter-day Saints, commonly called 'Mormons,' I take this occasion to address a few lines to you as the highest officer of the state.

"I have recently received several letters from members of our denomination residing at Varnell Station, Whitfield county, informing me that Elders of my profession have been obliged at times to flee for their lives as armed men to the number of forty and fifty have come out against them, and have also on various occasions entered their houses in search of said Elders.

"I am fully aware, dear Sir, that the popular prejudice is very much against the Mormons and that there are minor officers who have apparently winked at the condition of affairs above referred to. But I am also aware that the laws of Georgia are strictly opposed to lawlessness and extend to her citizens the right to worship God according to the dictates of conscience.

"History, however, repeats itself, and the laws, where prejudice exists, are not always executed with impartiality.

"A word or line from the Governor would undoubtedly have the desired effect. Ministers of the gospel could then travel without fear of being stoned or shot and the houses of the Saints would not be entered in defiance of all good law and order.

"Your kind attention to this matter will be duly appreciated by your humble and obedient servant,

[Signed]

"Joseph Standing,

"Presiding Elder of the Georgia Conference.

"To His Excellency, Governor Colquitt, Atlanta, Ga."

*Governor Colquitt's Answer to Standing's Letter.*

"Atlanta, Ga., June 21st, 1879.

"Mr. Jos. Standing, Van Zant Store, Ga.:

"Dear Sir:—In reply to your letter of the 12th inst., the Governor directs me to say that your statement is entirely correct, that 'the laws of Georgia are strictly opposed to all lawlessness, and extending to her citizens the right of worshipping God according to the dictates of conscience.'

"Under the provisions of our state constitution, the reformation of religious faith or of opinion, on any subject cannot legitimately be the object of legislation and no human authority





can interfere with the right to worship God according to the requirements of conscience. So long as the conduct of men shall conform to the law, they cannot be molested and even for non-conformity thereto they can be interfered with only as the law may direct. No individual or combination of individuals can assume to vindicate the law. Courts and juries are instituted for that purpose, and to them alone is committed the office of legally ascertaining the perpetrations of crime, and of awarding punishment therefor.

"The Governor regrets to hear the report you give from Whitfield county. He will instruct the state prosecuting attorney for that district to inquire into the matter, and if the report be true, to prosecute the offenders. I am sir,

Very respectfully yours,

J. W. Warren,<sup>67</sup>

"Secretary Executive Department."

So far as known Governor Colquitt never fulfilled his promise to instruct the prosecuting officer of Whitfield county to make an inquiry into the alleged lawless conditions obtaining there previous to the Standing tragedy, but he soon had the painful evidence of the fact of the lawlessness thrust upon him by the unlawful killing of his young correspondent. Elder Standing and his companion, Elder Rudger Clawson, the latter twenty-two years of age, were *en route* from their field of labor in Whitfield county to a conference to be held in Rome, Georgia, and arrived in the vicinity of Varnell's Station, where a few families in the Church resided, about nine o'clock on the evening of the 20th of July. They found the Saints in such a state of fear at the murderous threats that had been made of late against the Elders and themselves, that they were afraid to give them lodgings, and the two brethren found it necessary to walk about a mile and a half further on where they were received by a friendly non-Mormon by the name of Henry Holston and given lodgings for the night. Here they were again informed of the many and bitter threats of mobbing, whipping and even killing the Elders that were made in the neighborhood. The next morning the young missionaries concluded to pay a brief visit to the family they had called upon the night before, and where they had left their

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67. *Southern Star*, Vol. 1. p. 67.



hand-grips containing their books and clothing. The fear of having the elders at their residence had not left this household with the passing of the night, and the stay of the brethren was brief. Returning to Mr. Holston's they encountered a mob of twelve men, part of whom were mounted, who roughly took them from the high way some distance into the dense wood through which the road passed. When first taken young Standing asked to know by what authority they were molested and taken from the public highway; and if their captors had a warrant for their arrest they would like to see it. "We'll show you by what authority we act," was the answer of one of the leaders. As they were marched through the woods Standing labored under great stress of feeling, and expostulated with the mob against any intended violence. His remonstrance and appeals seemed to anger his captors rather than to soften their hearts. Elder Clawson was assaulted on the march and knocked to his hands and knees by a blow dealt him from behind by one of the band;<sup>68</sup> a second assault, this time with a heavy club, was arrested by one of the mob. At last a spring of water in a glade of the forest was reached where the mob halted and here a desultory conversation took place occupying fully an hour, during which time the vilest accusations were made against the Church of the Latter-day Saints, and beastly talk and jest on the part of the mob which but revealed the depravity of their own hearts. Standing from the first of this adventure had been consumed by a burning thirst, occasioned by the stress of the excitement under which he labored; and by permission of his captors was allowed to get a drink from the spring, though he feared he would be shot while drinking.

While the main part of the mob with their victims were *en route* for the spring three of the number on horse back had made a detour, either for the purpose of bringing into the mob more of their following, or to reconnoiter for the purpose of seeing if any move was set on foot by the friends of the Elders to effect their rescue; for while *en route* to the spring two persons had passed them, one a man of the name of Jonathan Owensby; and the oth-

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68. It was afterwards learned that Clawson's assailant was Ben Clark, a Baptist Deacon, Clawson's statement, *Deseret News—Weekly*—of Aug. 6th, 1879.



er a young girl, Mary Hamlin, the daughter of a widow in the neighborhood, who when seeing the mob pass her house sent her daughter to intercept the elders and warn them of their danger. When she met them they were already in the hands of their enemies, but she had seen and recognized the men composing the mob.<sup>69</sup> After an absence of an hour the horsemen returned to their associates at the spring. On riding up one who seemed to be the leader said, "Follow us." At this juncture, according to the statement of Elder Rudger Clawson, Elder Standing suddenly "leaped to his feet with a bound \* \* \* brought his two hands together with a sudden slap and shouted in a loud, clear, resolute voice—"surrender!"<sup>70</sup> On the instant one of the mob seated on the left of Standing rose to his feet and fired into the Elder's face, the latter reeled and fell without a groan. Instinctively the thought of his companion was of flight, when some one said—"shoot that man!" Young Clawson turning quickly faced the mob, and folding his arms, exclaimed—"shoot!" His coolness and resignation seemed to awe the mob, and they lowered their guns. Walking over to his companion, who after falling had turned over so that he lay face upward, he examined the wound, and found that the ball had entered the left eye, putting it out, ranged upward and came out on the forehead. While thus engaged one of the mob drew near and said: "This is terrible, that he should have killed himself in such a manner!" "Yes, it is terrible," replied young Clawson.<sup>71</sup> The ingenious mobber was evidently suggesting the theory of suicide as a way out of the murder for himself and companions.

69. One of the men said: "You see we have got your brethren. As soon as we dispose of their case we purpose attending to you. 'The Lord is with them and my prayers are forever for them', replied Mary, the tones of her voice evincing deep emotion. She then went on her way." *Southern Star*, of Jan. 21, 1899, p. 59.

70. Hist. Southern States Mission, in *Southern Star*, Vol. I, p. 59. The account was written by Elder John Nicholson. Another version of this incident is that Standing had a pistol in his hands when calling on the mob to "surrender." See account of the trial of the murders, special correspondent of the *N. Y. Herald*, copied into the *Deseret News-Weekly*—20th August, 1879, p. 457. The same impression seems to have possessed the mind of the *News* man, who wrote an editorial account of the event soon after the tragedy. (See *Deseret News-Weekly*—of Aug. 6th, 1879, pp. 428-9. Elder Clawson, however, notwithstanding the possession-of-a-pistol-version, insists that if his companion had a pistol he did not see it, and did not know of his having one, and saw none lying near him when raising his head from the dust, to place the murdered man's hat under his head. This to the author as late as February, 1915.





Elder Clawson was permitted by the mob at his own earnest solicitation to go after help to care for the body. He first called at the home of Henry Holston and asked him to care for the body while the Elder himself mounted a horse and rode to Ca-toosa springs for the coroner, from which point he telegraphed the sad news to Salt Lake City and to Governor Colquitt, and returned the same evening accompanied by the coroner. Meantime Mr. Holston had gone to the scene of the tragedy and on examining the wound found that Young Standing was not yet dead, though he was unconscious. Parties of the mob he discovered were still prowling in the vicinity watching all that might take place. Holston constructed a shade of tree boughs to shelter the body from the hot rays of the July sun, and not being able to do any more that would be helpful, he returned home.

On the arrival of the coroner, Elder Clawson, Mr. Holston and several other people living in the neighborhood, went to the scene of the murder. It was discovered that after the kind offices of Mr. Holston had been performed, members of the mob must have returned and fired about twenty shots into the body, chiefly into one side of the face and neck which was literally "riddled with bullets," fired at so close a range as to powder burn the wounds.<sup>72</sup> An inquest was held over the dead elder's body and a verdict rendered which appeared in the *Independent Head Light* of Dalton, the shire town of Whitfield county, Georgia:

#### *Coroner's Verdict.*

"We the jury sitting upon inquest over the dead body of Joseph Standing, having heard all the evidence in the premises, and having made examination of the dead body, find that the deceased came to his death by gun and pistol shots, or both, in-

72. The theory is advanced by the historian of this incident, Mr. John Nicholson, at the time associate Editor of the *Deseret News*, that this fiendish act was done by the mob in order to make the separate members of it equally responsible for the crime. "It is not unusual for men who commit a common crime, to enter into compacts to stand by each other for mutual protection against the just reward of their deeds. It is likely therefore that those men agreed to stand upon an undoubted common ground in regard to the assassination of Joseph Standing, and to make the obligation and understanding complete, each actually fired into the person of the victim." (*Southern Star*, Vol. 1. p. 67).



flicted upon the head and neck of deceased, said wounds consisting of 20 shots or more from guns or pistols in the hands of David D. Nations, Jasper N. Nations, A. S. Smith, David Smith, Benj. Clark, Wm. Nations, Andrew Bradley, James Fawcett, Hugh Blair, Joseph Nations, Jefferson Hunter and Mack McClure, and in view of the above stated facts, we, the jury, do hereby recommend that the coroner of said county do issue a warrant for the arrest of the above named parties forthwith."<sup>73</sup>

After some difficulty Elder Clawson succeeded in getting the body to Salt Lake City, where a special service in the Salt Lake Tabernacle for the departed Elder was held in the presence of ten thousand people, followed by processional honors to the city cemetery. Soon afterwards a neat monument of Italian marble was erected over his remains by the Young Men's Mutual Improvement Associations of the Church, of which organization Elder Standing was a member. On it is inscribed his name and time of birth, also the place and manner of his death, with the following lines written by Orson F. Whitney, then a Bishop in the Church, now one of the Twelve Apostles.

### JOSEPH STANDING.

"Beneath this stone, by friendship's hand is lain  
The martyred form of one, untimely slain,  
A servant of the Lord, whose works revealed  
The love of truth for which his doom was sealed.

Where foes beset—when but a single friend  
Stood true, nor shunned his comrade's cruel end—  
Deep in the shades of ill-starred Georgia's wood,  
Fair Freedom's soil was crimsoned with his blood.'

Our brother rests beneath his native sod,  
His murderers are in the hands of God.  
Weep, weep for them, not him whose silent dust  
Here waits the resurrection of the just."<sup>74</sup>

Three of the murderers, viz. Jasper N. Nations, Andrew Bradley and Hugh Blair, were soon arrested, being found just over the line in the State of Tennessee, whither they had fled for safety. On being returned to Georgia they were released

73. *Deseret News*—Weekly—of Aug. 6, 1879, p. 429.

74. *Southern Star*, Vol. 1. p. 90.



on furnishing bail in the sum of \$5,000 each. The grand jury found indictments against Jasper N. Nations for murder, one against Bradley for manslaughter, and against Blair for riot. Elder Clawson who had accompanied the body of Standing to Utah returned to attend the trial, which was held at Dalton, the shire town of Whitfield county. John Morgan, president of the mission, was also present. Jasper N. Nations was first tried, and the others immediately afterwards. After a trial which ran through three days, one of the most sensational ever held in northern Georgia, all three were acquitted. The charge against Bradley, since there was no hope of convicting him of manslaughter after Jasper N. Nations was acquitted of murder, was changed to riot, and both he and Blair were tried on that charge, but both were acquitted.<sup>75</sup>

*"The old, old story. Verdict, not guilty!"*

was the melancholy message which President John Morgan telegraphed to the *Deseret News* at the close of Nation's trial on the evening of October 19th, 1879.<sup>76</sup>

And so the message runs through the trial of all those who have been the murderers of all the martyrs of the Church, as well in the case of those already related in this History as others yet to be mentioned—"not guilty!" It is fitting that it should be so, since God is to avenge in his own way and time the blood of his saints and his servants, which is to cry from the ground to God for vengeance in the New Dispensation,<sup>77</sup> clearly foreshadowing the fact that men would not avenge it.

75. Under the charge of Judge McCutchen, the acquittal of the accused was a foregone conclusion from the first. "His honor charged the jury that if two or more persons combine to do an unlawful act not having as its object the destruction of human life, and in the commission of such an act one of those engaged in the act goes beyond the purpose and intention and commits a homicide, *he alone is guilty of that offense*, and the others in the party are not guilty of homicide in any of its degrees, either as principals or accessories." (*Chattanooga Daily Times*, Account of the standing Trial, copied into the *Deseret News—Weekly*—of Nov. 5th, 1879.) "Public opinion is against the Mormons, and public sympathy with the prisoners," was the *Times'* closing sentence of its account of the trial.

76. *Deseret News—Weekly*—Oct. 22, of same year. Elder Clawson, Standing's companion, was afterwards chosen one of the Twelve Apostles of the Church—1889; later, Oct. 4th, 1901, he was chosen a member of the First Presidency, being made a counselor to President Lorenzo Snow, to succeed Geo. Q. Cannon; but President Snow dying six days later, Elder Clawson returned to his place in the council of the Twelve Apostles (Latter-day Saints Biographical Encyclopedia—Jensen—pp. 174-8).

77. See II. Nephi, Ch. XXVIII, 2-14 and Mormon, VIII.





CHAPTER CXVI WIDE EXTENSION OF THE

A PERIOD OF APOSTOLIC PRESIDENCY—1877-1880 CONTINUED; A  
MISSION TO THE CITY OF MEXICO—COLONIZATION, ARIZONA,  
COLORADO, WYOMING, NEVADA—INDIAN MISSION WORK  
—JUBILEE CONFERENCE OF THE CHURCH.

It was during this period of Apostolic Presidency that a successful mission was opened in the city of Mexico, under the direction of Elder Moses Thatcher of the council of the Twelve Apostles, and leading subsequently to the colonization in northern Mexico of Latter-day Saints both from Arizona and Utah settlements. The work began in the following manner: President John Taylor received a number of letters from Dr. Rhodacanaty, a resident of the City of Mexico, making inquiry concerning the doctrines of the Church of the Latter-day Saints. A number of the Church works were sent in response to these inquiries and through them a score of people became interested in the work and believed in it so far as they could understand it from books. This in the Autumn of 1878. A year later—at the October conference—Elder Thatcher of Logan, Utah, James Z. Stewart, of Draper, Utah, and Meliton J. Trejo, of San Pedro, were called to open the mission in the city of Mexico.<sup>1</sup> Elders

1. When called at the October conference the place of their mission was not designated, except by these words—"For places to be designated." (See October, 1879, Conference Minutes *Mill. Star*, Vol. XLI, p. 708). Elder Thatcher was joined by Elder Stewart in Chicago, and by Elder Trejo in New Orleans, this arrangement was doubtless adopted in order to keep the destination of the mission from being known for a time, lest efforts might be inaugurated to thwart its purposes. This second mission really grew out of the first to the republic, since it was through one of the pamphlets containing the translations from the Book of Mormon by Elder Trejo that fell into the hands of Dr. Rhodacanaty that led to his correspondence with President John Taylor, and that to this second mission to Mexico. The circumstance stands as related by Elder Thatcher in the minutes of the Jubilee conference-preliminary meetings—as follows:

"Elder Thatcher related the incident which gave rise to his mission; how a teacher in the Presbyterian College in the city of Mexico, who spoke several languages, becoming interested in a socialistic scheme for the benefit of the poor, prayed for light from the Lord on this matter, and dreamed that a person brought him a book which he was to read; how a boy came to him next day and presented to him a book, which he prevailed upon him to buy after several refusals, and which proved to be that part of the Book of Mormon that had been translated into Spanish; and how the teacher was thus led to learn the truth and correspond with President Taylor, and finally come into the Church, consequent upon the opening of the Mission, by which a branch of twenty members had been organized in the City of Mexico." *Mill. Star*, Vol. XLII, p. 274).



Stewart and Trejo will be recognized as being members of the first mission to Mexico, in 1876.<sup>2</sup>

The Mission entered Mexico *via* Vera Cruz, arriving at the capital city on the 16th of November.

The brethren found Dr. Platino C. Rhodacanaty, President Taylor's correspondent, a Greek on the paternal side, and Mexican on the maternal. He was an educated and cultured gentleman, and had been publishing a monthly periodical called *Voz del Desierto* in which he was setting forth the principles of the New Dispensation. Four days after the arrival of the mission in the City of Mexico Elder Thatcher baptized Dr. Rhodacanaty and one Silviano Artiago, the latter was said to be a pure Aztec. Two days later six other male members were added to the Church, and on the 23d of November a branch was organized of which Dr. Rhodacanaty was made president, with Silciano Artiago and Jose Ybarola as counselors, all three were ordained Elders in the priesthood.

Through the American Minister, Mr. Foster, to whose receptions he was invited, Elder Thatcher was able to meet some of the leading men of the City of Mexico and of the Republic. Among these was the learned Ygnacio M. Altamirano, of pure Aztec lineage, and one of the Judges of the Supreme court of the republic, a writer and orator of eminence, and to whom Elder Thatcher dedicated his "*Tribute to the Memory of Montezuma*," written at Chapultepec,<sup>3</sup> during the Elder's stay in Mexico. Through William Pritchard an English newspaper man and magazine writer, Elder Thatcher received an introduction to Signor Viceute Garcia Torres, the proprietor of "*L Monitor Republicano*," which opened its columns for some favorable articles, and corrected some slanderous and inaccurate ones previously published. Through General Alan G. Greenwood, of Roanoke, Virginia, who fought on the side of the south in the war between the states, Elder Thatcher secured interviews with Senor Sarate, minister of foreign affairs, M. Fernandez, Leal, minister of public works and of colonization, and Senor Don Carlos Pacheco, minister of war. Minister Leal had visited Utah

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2. See this History Ch. CXIII.

3. *The Contributor*, Vol. I, p. 145.



and spoke in high praise of the "Mormons" as colonizers, and as such would welcome them to Mexico should any of them choose to make their home in the republic. Minister Pacheco, generally known as the hero of Pueblo, for he lost a leg and an arm while heading an assault upon that city during the French Intervention. This distinguished general voluntarily tendered to Elder Thatcher letters of introduction and recommendation to the executives of the various states of the Republic should he desire to visit them. Elder Thatcher later had an extended interview with Senor Ignacio Mariscal, for many years the accredited representative of the Mexican government at the capital of the United States, now minister of foreign affairs in the Mexican government, was well acquainted with Utah affairs, and esteemed one of the ablest men of the Mexican cabinet. The organ of the government noted all these interviews.<sup>4</sup>

The work of the mission met with some opposition. The New York *Sun* published a press dispatch respecting the mission of Elder Thatcher, falsely stating that he was sent to Mexico to purchase lands "for the colonization of the 'Mormons.'"<sup>5</sup> This occasioned considerable comment by the press in the city of Mexico; and while most of that comment was favorable the "*Two Republics*," under the captions "Filibusterism," the "Spread of Mormonism," and "Yankee Diplomacy," made a violent attack upon the Church of the Latter-day Saints. In "*El Monitor Republicano*," one of the most influential papers of Mexico, also appeared a scurrilous editorial, and other articles about the Utah Saints. Through the columns of "*El Tribuna*," Elder Thatcher effectually replied to the writers in the "*Two Republics*," and if his answers did not change the unfriendly attitude of that paper, they did result in making its publishers less reckless in their subsequent statements. The opposition of "*El Monitor Republicano*" was overcome in an unusual manner. Elders Thatcher and Trejo obtained an interview with its wealthy proprietor Signor Vicente Garcia Torres. This gentleman wrote

4. For the above information respecting the opening of the Latter-day Saint Mission in the city of Mexico, see biographical sketch of Moses Thatcher in Latter-day Saint Biographical Encyclopedia—Jensen—Vol. L, 1901 Edition, Art, Moses Thatcher, pp. 127-136.

5. See Thatchers' Account of his mission in April Conference, 1880, preliminary Assembly Hall meetings, *Mill. Star*, Vol. XLII, p. 274.





for his paper under the *Nom de plume* of "*Francrido*;" his son used that of "*Alcestes*;" and a third person under that of "*Juvenal*." This last person was one senior Eurigre Chavara, and his article was the most offensive. But after the interview with the Elders above mentioned he published in the following Sunday's impression of *El Monitor Republicano* a retraction of his first article and gave a most excellent account of the sobriety and industry and morality of the Mormon people.<sup>6</sup> This newspaper controversy concerning the Latter-day Saints and their faith was on the whole favorable to the mission. By the close of the year 1879, sixteen people had been baptized, and added to the little branch previously organized; and in January following, Parley P. Pratt's "*Voice of Warning*," that little classic of the New Dispensation literature, suitable as an introduction to God's great latter-day work in any country of the world, was translated into the Spanish language by Elders Stewart and Trejo, and placed in the hands of the printers.

Meantime the friendly relations between the prominent government officials and the mission to Mexico continued. Through the before mentioned Mr. Pritchard Elder Thatcher became acquainted with Mr. Emelio Biebuyck, a Belgian gentleman of influence in Mexico, who had a large colonization contract with the government. He was in Utah as early as 1854-5 at the time Col. Steptoe and his command were stationed in the Territory, and visited Utah twice afterwards. He had formed a personal acquaintance with President Brigham Young and was well informed on Utah affairs. Knowing the value of the Latter-day Saints as colonists by actual contact with their settlements, Mr. Biebuyck was anxious to establish colonies of them in Mexico and offered special inducements in the matter of pur-

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6. When the attacks in *El Monitor* appeared, Elder Trejo, who had been confident "that those speaking his native tongue would never stoop to vilify the Mormons as others had done in the United States and Europe," was so incensed that he was for hunting down "*Juvenal*" and administering physical punishment. But he was restrained by counsel given in the interest of patience and moderation. "When finally the 'retraction' was secured, and the article favorable to the Latter-day Saints was published, he was quick to admit that what had been gained by patient endurance was more favorable to the cause than any physical chastisement given by him to the offending writer in the first place could possibly have produced." (From Thatcher's biographical sketch in L. D. S. Biographical Encyclopedia—Jensen—Vol. 1, p. 132.



chasing lands, securing for stated periods exemptions from certain taxes, and free entry from tariff duty of teams, wagons, agricultural implements, provisions, etc., during the founding of the colonies. This subject was so pressed upon Elder Thatcher that after much prayer, and deliberation with his brethren, "and feeling strongly impressed that the success of the mission in planting the gospel in Mexico largely depended on 'Mormon' colonization in that country, and the careful, judicious gathering thereto of native Saints for care and instruction," it was finally decided that Elder Thatcher should return to Utah, that Mr. Biebuyck should also go, and they together present this colonization proposition to President John Taylor and the full council of the apostles. Before going, however, Elder Thatcher arranged for the payment of publishing the Voice of Warning; also with the assistance of Elders Stewart and Trejo, he Dedicated the land of Mexico, "to the end that the gospel might be spread among her people. They besought the Lord to rid the nation of revolutionary elements and the disposition to shed blood; to break the shackles from the bodies and minds of the poor Lamanites, that they might be free in the law of Christ. And that, as the coming of the Spanish conqueror foreshadowed their bondage, so might the gospel foreshadow their deliverance; that as the first overcame them with the sword, so might the proclamation of divine truth subdue and soften their hearts."<sup>7</sup>

This accomplished, Elder James Z. Stewart was left in charge of the Mission, and Elder Thatcher departed from the City of Mexico on the 4th of February, 1880, and arrived in Salt Lake City on the 22nd, ten days in advance of Mr. Biebuyck.<sup>8</sup> Together they laid before the council of the Apostles the advantages of colonizing, in Mexico. After careful consideration of the subject in all its bearings the council of Apostles finally concluded

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7. Latter-day Saints Biographical Encyclopedia,—Jensen—art. Moses Thatcher, p. 133.

8. A press dispatch noted the departure of Elder Thatcher from Mexico, saying: "The Mormon Elder, Thatcher, returned to the United States somewhat disappointed in his mission. The Mexican government will protect Mormons in their worship, but not in polygamy." This appeared in the New Orleans papers on the 15th of Feb., and is in the St. L. Daily Herald of 17th of February. As Moses Thatcher made no attempt to get toleration of polygamy by the Mexican government, the dispatch was utterly false.



that "the colonization of Latter-day Saints in Mexico at that time, even under the generous concessions of the contract proposed, would be premature. Mr. Biebuyck's offer was therefore rejected."<sup>9</sup>

The course of Elder Thatcher in leaving the Mexican Mission temporarily, to lay the colonization propositions of Mr. Biebuyck before the council of the apostles, was approved by the council; but in November following he returned to the City of Mexico, arriving there on the 5th of December, accompanied by Elder Feramorz L. Young. Elder Thatcher took with him and presented to the Mexican Geographical Society and to the National Museum a set of Church works bound in full gilt Morocco.<sup>10</sup> During his absence the Spanish translation of the Voice of Warning had been widely circulated; and soon after his return a 4,000 edition of Elder John Nicholson's "Means of Escape," a missionary treatise on the gospel, was issued in Spanish and circulated. This was followed by a thirty-two page treatise on the "Divine Origin of the Book of Mormon, written in English and then translated into the Spanish and published in that language. The treatise was also published in English in the "Contributor," the organ of the Young Men's Improvement Associations of the Church, and reproduced in the Millennium Star.<sup>11</sup> It is a consideration of the external evidences of the truth of the Nephite record drawn chiefly from the native writers on Mexican antiquities, Lord Kingsborough's "Mexican Antiquities," and the later works of Baldwin, Charney, Professor John I. Short, and others, showing agreement between the native traditions respecting migrations, colonization movements, and religion, and the Book of Mormon account of these things among

9. L. D. S. Biographical Encyclopedia, pp. 133-4. Naturally Mr. Biebuyck was disappointed, "and in a few days later departed for San Francisco, thence to New York and Europe. During his stay in Salt Lake City he was a part of the time the guest of President Taylor, who was much pleased with his frank manners, unassuming deportment and general understanding of men and things." (Id.)

10. Each set contained a Book of Mormon, Doctrine and covenants, Pearl of Great Price, Parley P. Pratt's Key to Theology and Voice of Warning; Spencers Letters, Hyrum Book a Bound book of Miscellaneous Pamphlets, Geo. Q. Cannon's "My First Mission," Jaques' Catechism and "A String of Pearls," the latter a miscellaneous collection of Latter-day Saint experiences in spiritual things, intended to be faith promoting. This gift of books was "handsomely acknowledged" by both institutions.

11. See Vol. II of the Contributor, beginning with the April number; and Vol. XLIII of the Star, p. 353 *Et seq.*





the ancient inhabitants of the American continents. Elder Thatcher also wrote a treatise on "Mormon Polygamy and Christian Monogamy Compared." This was also translated into the Spanish language and published. The English version appeared in the "Contributor."<sup>12</sup> Elder Stewart had written a treatise on the "Coming of the Messiah," several thousand copies of which were widely distributed.

There was also a complete translation of the Book of Mormon into the Spanish language under the supervision of Elder Thatcher, the conjoint work of Elders Trejo and Stewart, though the work was not published until 1886.<sup>13</sup>

Quite a number of baptisms had been administered in addition to those already noted—sixty-one by August, 1881—and a branch of the Church was organized at Ozumba at the base of Popocatepetl in addition to the one organized in the capital of the republic. Ozumba is about forty miles south easterly from the city of Mexico. Opposition to the work manifested itself by

12. Vol. III, p. 99. *et seq.*

13. Elder Meliton G. Trejo was a very interesting character; and as his experience illustrates the manner in which men have quite frequently been brought into contact with the New Dispensation, that is, by spiritual direction, it is here summarized: Meliton G. Trejo was a native of Castile, Spain, and formerly a lieutenant in the Spanish army. In youth he was unsettled as to religion "being unable to find any system that conformed to that delineated in the Bible." While in the army he heard a brother officer in the army make a remark regarding the Saints in the Rocky Mountains in America, and was seized with an unconquerable desire to visit them. Inspired with this feeling he petitioned the Spanish authorities for the privilege of accompanying a military expedition destined for the Philippine Islands, which was granted. This action on his part was prompted by the hope that an opportunity would present itself to enable him to leave the Islands, and go to Utah.

Opportunities for temporal prosperity sprang up around him and had the effect of almost obliterating his desire to go to the gathering place of the Saints. However, he was stricken down with great physical prostration, which revived again the feeling about going to Utah, regarding which he asked the Lord to direct him. In a dream he was shown that he must obey the impression with which he had been so strongly inspired. In consequence, obtaining leave of absence, he took steamer for San Francisco, and thence to Salt Lake City.

Arrived in the "City of the Saints," he was in a peculiar situation, for being well educated, he was able to read English but could not speak it. One of the brethren, named Blanchard, a Frenchman, who could speak the Spanish language, was impressed in a singular way, to go to the hotel where Brother Trejo was stopping. Learning the curious circumstances that led to his being in Utah, he introduced him to the late President Brigham Young and others. After investigating the principles of the Gospel, Brother Trejo was convinced of the divinity of their origin and was baptized and confirmed a member of the Church, a few months after his arrival in Salt Lake City. (*Mill. Star*, Vol. XLII, p. 31). The rest of his career so far as it relates to the history of the Church is incorporated in the text of this Chapter.



under the appearance of Anti-Mormon articles in two monthly Protestant publications, "*El Abogado Cristiano*," the illustrated Organ of the Methodist Church, North; and *Evangelista Mexicano*, organ of the Methodist Church South.<sup>14</sup> To these articles Elder Thatcher made answer through the daily secular press of the city.

In August, 1881, Elder Thatcher was released to return home,<sup>15</sup> and on the 15th of September accompanied by Fernando A. Lara, a native brother, and Elder Feramorz L. Young, whose state health was failing him, he left Mexico *via* Vera Cruz for Utah. *En route*, while crossing the Gulf of Mexico, Elder Young died of typhoid fever and as there was no means of preserving the body in that climate, he was buried at sea, on the 28th of September, off the coast of Florida, in latitude 27 degrees nine minutes and in longitude 29 degrees 47 minutes.<sup>16</sup>

Three months before the departure of Elder Thatcher for Utah, Elder August H. F. Wilcken arrived in the city of Mexico, and on the departure of the Apostle was placed in charge of the work, being the only Elder from Utah left in the mission. Subsequently, however, he was joined by other Elders, and though the force from Utah was never large, the mission was continued

14. These distinctions in the Methodist Church arose from the American war between the states, which not only divided the union of States but the Methodist and other churches into "North" and "South."

15. The two elders who came with him to Mexico in 1879, Elders Trego and Stewart, had both been released and had returned home; the first in May, 1880, to Arizona; the second in June, 1881, to Utah.

16. Biographical Sketch of Moses Thatcher, Jensen's Biographical Encyclopedia, p. 135. The vessel—the *Knickerbocker*, bound for New York, was stopped for about twenty minutes for the burial, and a brief service held by Elder Thatcher, who explained to the assembled passengers who the young man was, his parentage, and his mission; the uprightness of his life, and bore testimony to the truth of the New Dispensation of the gospel, whereof Feramorz L. Young was a faithful messenger. Of his young companion, at the October conference in Salt Lake City, where he related the above circumstances connected with the death and burial of his companion, Elder Thatcher said of him: Feramorz Young had lived a pure life. He was pure as mortal could be. He had never yielded to temptation; strong drink had never passed his lips; tobacco in any form had never been used by him; he never had used a blasphemous word in his life: he was humble, he was pure, he lived and learned how to die. Feramorz L. Young was as well prepared to pass behind the veil as any young man the speaker had ever known in Israel, and he had never complained that God chose to call him." (Minutes of General semi-Annual Conference of the Church in *Mill. Star*, Vol. XLIII, pp. 756-81.)



under various presidents until 1888; and by June, 1889, all the Utah Elders were withdrawn from the republic.<sup>17</sup>

The mission was reopened in June, 1901, by Elder John Henry Smith, of the council of the Twelve Apostles, assisted by Elders Anthony W. Ivins, and Henry Eyring both of the Presidency of the Juarez stake of Zion, which by this time had been organized in the state of Chihuahua, in northern Mexico. With them came Elder Ammon M. Tenney who had been called upon a mission to Mexico. Such native Saints as could be found in the state of Morelos were assembled in Cuernavaca the State capital, where a meeting was held, and Elder Tenny set apart as President of the mission. The visiting party of brethren before leaving the City of Mexico had an interview with President Diaz, and to him was explained the nature of the mission just reopened and what it hoped to accomplish for the people. "President Diaz expressed great satisfaction, and wished the brethren success. He sent by the brethren warm greetings to President Snow"<sup>18</sup>—i. e. to Lorenzo Snow, then the President of the Church. On the evening of the interview, June 17th, the visitors started on their return to their homes, and Elder Tenney took up his labors in which he was remarkably successful. The force of missionaries from Utah and the Mormon colonies in Northern Mexico, steadily increased, until by September they numbered eleven; and two years later these were increased to twenty.<sup>19</sup> The work in Mexico continued to flourish under a succession of faithful presidents,<sup>20</sup> until the revolutions and counter revolutions beginning in 1911-12 made it necessary for the missionaries to withdraw

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17. The list of Presidents in the Mexican Mission during this first period is as follows: Moses Thatcher—1870-1881. James Z. Stewart acted as President *pro tem* during the absence of Elder Thatcher, Feb., 1880, to Dec., 1880). August H. F. Wilcken—1881-1883; Anthony W. Ivins, 1883-1884; Helaman Pratt—1884-1887; Horace H. Cummings, May 1887—Oct., 1887; Henry Eyring—Oct., 1887, to Dec. 21st, 1888; (see Hist. of the Mexican Mission by Ray L. Pratt, *Improvement Era*, Vol. XV, p. 487, *Et seq.*, 1912.

18. *Ibid.*, p. 494.

19. *Ibid.*, p. 494.

20. The succession of Presidents of the Mexican mission since it was reopened in 1901 is as follows: Ammon M. Tenny 1901-1903; H. S. Harris 1903-1904; Talma E. Pomeroy 1904-1905; H. S. Harris 1905—1907; Roy L. Pratt, 1907. (Pratt's History of the Mexican Mission *Improvement Era*, Vol. XV, pp. 486-497). Elder Pratt is still acting as President of the Mission (1915) which is not discontinued, but merely suspended, awaiting the time when the work may be resumed in that politically distracted, and war-torn country.





on account of the bitterness prevailing against the United States and all her citizens in Mexico.

During this Apostolic Presidency the settlement of the Saints were greatly multiplied, and those before established were strengthened by the arrival of new settlers. This was especially true of Arizona locations. In November, 1877, a colony of Latter-day Saints arrived on the San Pedro, in Cochise county, southeast Arizona, and became the founders of St. David and other settlements in that valley.<sup>21</sup>

About two years later Mormon settlers were sent to the Gila river valley, Graham county. They were organized into a ward on—26th of September, 1880, known as Smithfield, Joseph K. Rogers, was made Bishop.<sup>22</sup> The number of settlers in this vicinity increased very rapidly; and three years after this first organization four bishops wards were organized.<sup>23</sup> The same year—1883—a stake organization was effected known as St. Joseph stake, which included the settlements in the San Pedro valley. Christopher Layton formerly of Davis county, Utah, was made President, and David P. Kimball, son of the late Heber C. Kimball, and James H. Martineau were his counselors.<sup>24</sup>

Early in 1878 the first Latter-day Saints settlers arrived at Mesa, Maricopia county, Arizona, in the Salt River Valley, fifteen miles southeasterly from Phoenix, the state capital. Settlements were multiplied in the immediate vicinity of Mesa, and in 1882 they were organized into a stake of Zion.<sup>25</sup>

On January 27th, 1878, the Latter-day Saints who had settled on the Little Colorado, in Navajo county—under the leader-

21. This will be remembered as the valley through which the Mormon Battalion marched, and in which they had their bull fights with the wild cattle of that region in 1846. (See chapter LXV, this History).

22. Jensen's Church Chronology, 1880, p. 106.

23. There were Pima, Thatcher, Graham, and Curtis. The respective bishops were Joseph K. Rogers, John M. Moody, Jorgen, Jorgensen, and Moses M. Curtis. (Jensen's Church Chronology, 1883, p. 112).

24. See L. D. S. Biographical Encyclopedia, p. 364. Biographical sketch of Christopher Layton. Jensen's Church Chronology, p. 111. The St. Joseph Stake now includes, the following Bishop's wards in the Gila Valley; Bryce, Central, Eden, Emery, Franklin, Globe, Graham (Safford P. O.) Hubbard, Layton, Lebanon, Mathews (Fairview), Pima, Thatcher; and a branch at Artesia, with a presiding Elder. The settlements in the San Pedro Valley are; now, 1915, attached to the California Mission.

25. Alexander F. McDonald was made President, Henry C. Rogers and Charles I. Robinson, counselors. The wards of this stake are now (1915), Alma Mesa) two wards; Chandler, Lehi, Papago, and Pine.



ship of Major Lot Smith—by that time grouped into four settlements<sup>26</sup>—were organized into a stake of Zion, with Lot Smith as president and Jacob Hamblin and Lorenzo H. Hatch as counselors. Three of the settlements were organized into wards, a bishop being appointed in each, the fourth was made a “branch with a presiding Elder. This was the first stake organization effected in Arizona. Before the expiration of the year,—viz., 27th December—President John Taylor directed that the settlements forming further up the Little Colorado, in Apache county, be organized into a stake. A line running southward from Berardoes (now Holbrook, on the Sante Fe railroad), was to be the dividing line between the two stakes thus proposed. The western division was to be the Little Colorado stake, and the eastern division, Eastern Arizona Stake of Zion.<sup>27</sup> The division of the stakes on these lines was not carried out at that time; the Little Colorado Stake constituted of the wards already mentioned at its organization, continued for several years, while the Eastern Arizona Stake had within its jurisdiction, for a number of years, the settlements on Silver Creek, in the south-east corner of Navajo county, and also the settlement of St. John’s near the headwater of the Little Colorado, and other minor settlements in Apache county.<sup>28</sup> In 1887, however, the directions of President Taylor with reference to the division of these settlements into two stakes were carried into effect. The name of the Eastern Arizona Stake, however, was changed at the time of this reorganization—July 23rd, 1887—to St. John’s Stake, David K. Udall, bishop of St. John, being chosen President, with Elijah Freeman and Wm. H. Gibbons as counselors.<sup>29</sup> Later, viz., December 18th, the Settlements on

26. The settlements were—Brigham City (formerly Ballinger), George Lake, Bishop; Sunset (later abandoned, the railroad station of Winslow arose on the opposite side of the river), Levi M. Savage, bishop; St. Joseph, (formerly Allen) John Burhman, bishop; Taylor, a branch, with John Kartchner as presiding Elder. (See Jensen’s Church Chronology, 1878, p. 101).

27. Jensen’s Church Chronology, 1878, p. 103.

28. See Hist. of East Arizona Stake, by Joseph Fish, Ms. copy on file Hist. Office, pp. 55 to 76. The President of the Eastern Arizona Stake of Zion was Jesse N. Smith, cousin of the Prophet Joseph Smith; he had for counselors Lorenzo H. Hatch and Oscar Man—Exact date of the organization not obtainable, (See Biographical Sketch of Jesse N. Smith, L. D. S. Biographical Encyclopedia, pp. 322).

29. At present, 1915, the wards of the St. John Stakes are Alpine, Eagar, Hunt, Nutriosa, St. Johns; and the following wards over the line in New Mexico: Ramah, Luna, and Blue water.



the west side of the line running south from Holbrook, on upper Silver Creek, Woodruff ward, and the fragments of settlements formerly constituting the Little Colorado Stake,—by now discontinued—were organized under the name of the Snow Flake Stake of Zion, Jesse N. Smith, formerly of the Eastern Arizona Stake being made President.<sup>30</sup>

The settlers in the St. John's and Snow Flake Stakes have met with great difficulties first on account of the nature of the country itself, its variable periods of drought, some times long continued, when the parched earth yields little on the ranges for the stock, and makes the supply of water for irrigation purposes uncertain; then came flood periods, that time and again destroyed reservoir dams, and washed out miles of irrigating canals. This was also the region of some of the great cattle and sheep companies, occupying the public domain with their herds, sometimes by lease from the government, some times by mere usurpation. The cattle and sheep companies and their employers waged fierce war upon each other for possession of the range, and both were opposed to the incoming of the settlers as trespassers upon their preserves. The stock companies often infringed upon the settlers' rights, disturbed their peace, run off their stock and resorted to occasional violence to discourage their settling in the country.<sup>31</sup> Being "Mormons," the outlaw element of the community felt that they could trespass upon their rights with impunity, and the civil officers gave them none too warm a welcome into the Territory. The colonists, however, persisted in their efforts to form and maintain settlements in the face of all these discouraging circumstances. The fighting of the great cattle and sheep companies for possession of range privileges is now practically ended; the building of more substantial reservoirs is mastering the flood problems and the drought periods at the same time, and the saints by the uprightness of their lives, their industry, perseverance, and enterprise have proven their value as citizens in the commonwealth, until the prejudices of the past, which gave them a cold recep-

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30. The settlements now comprising the Snowflake stakes are: Lakeside, Pinedale, Showlow, Snowflake, St. Joseph, Taylor, and Woodruff.

31. See Hist. of Eastern Arizona Stake of Zion, Fisher, *Ms.*





tion on their advent into Arizona, and slight courtesy from the older settlers, have given way to more enlightened policies of friendship; and to day peace and confidence and respect are accorded to the Latter-day Saints of Arizona.

During this period also settlements were extended into San Luis Park, the "South Park" of Fremont's maps of 1842-4, in the central southern part of Colorado, Conejose county. Converts to the faith in the Southern States becoming quite numerous and being desirous of finding a suitable place to which they might be gathered and have the benefit of the Church organizations, Elder James Stewart, later prominent, as we have seen, in the Mexican mission, was appointed in March, 1878, to explore for a location for such a purpose. This resulted finally in the purchase of some Mexican claims in Conejose county, in the San Luis Park, and to this place the converts from the south began to arrive in May of the same year,<sup>32</sup> forming their settlement at Los Cerritos on the Conejose, a tributary of the Rio Grande. They were joined by a number of settlers from southern parts of Utah—many from Sanpete county—and by other companies from the Southern States which continued to arrive intermittently through the next ten or twelve years. In 1883—June 10th—the settlements were organized into a Stake of Zion called the San Luis Stake, with Silas S. Smith, cousin of the Prophet Joseph Smith, as President, and Richard R. Camp and William M. Christensen as his counselors.<sup>33</sup>

Settlements were likewise extended into Idaho, in this period of Apostolic Presidency,<sup>34</sup> chiefly along the Bear River in Oneida

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32. The first company of members of the Church from the Southern States that went to Colorado, was organized at Scottsboro, Alabama, and numbered eighty souls, in all. They were from Alabama and Georgia, and left for the west under the leadership of Elders John Morgan, James T. Lisombée and Thomas E. Murphy, on the 21st of November, 1877. They went as far as Pueblo, Colorado, where they went into winter quarters (Hist. of the Southern States Mission, *Southern Star*, Vol. 1, p. 9). In May of the following year the company moved into San Luis Valley, and began their settlement as stated in the text (Jensen's Church Chronology, 1878, p. 101). Among those who went from Southern Utah to assist in the settlement of the San Luis Valley was Hans Jensen, who became the first presiding Elder over the farming settlements; also John Allen and Soren E. Berthelsen, they, too, were from Sanpete, and became counselors to Elder Hansen. Later came Silas S. Smith and seven of his sons with their families; John C. Dalton and others from Iron County.

33. Jensen's Church Chronology, 1883, p. 112. The settlement constituting this stake are Manassa, Richfield and Sanford.

34. Settlements in the Bear River Valley, Idaho, Paris, St. Charles had been founded as already described, Chapter CIV, in this History, as early as 1864.



county, 1879. These were Preston,—named in honor of Wm. B. Preston, later the presiding Bishop of the Church—and Riverdale; and later Marsh Valley, in Bingham county; since then "Mormon" settlements have been extended throughout southern and central Idaho, until the Latter-day Saints number now (1915) more than 65,000 population in Idaho, divided into thirteen stakes of Zion.<sup>35</sup>

Settlements were also begun in Wyoming in this period, on Salt River, Uinta county; this under the supervision of Elders Brigham Young—son of the late President Brigham Young—and Moses Thatcher, both of the council of the Apostles. They dedicated the valley as a gathering place for the Saints on the 29th of August, 1878, when the name, "Salt River Valley," was changed to "Star Valley."<sup>36</sup> The chief settlement was named Afton, and was organized as a ward in 1887, with Charles D. Cazier as Bishop.<sup>37</sup> For a number of years the settlements of Star Valley were included in the Bear Lake Stake of Zion, but in 1892 the Star Valley stake was organized with George Osmond, president, and Wm. W. Burton and Anson V. Call as his counselors.<sup>38</sup>

Bunkerville and Mesquite wards were added to the Nevada group of settlements in Lincoln county, in the southeastern part of that state. This in 1879 and 1880 respectively.<sup>39</sup>

Settlements were also extended in various outlying regions in Utah. These were chiefly in the Eastern part of the Territory, on streams direct or indirect tributaries of Green river; such as Cottonwood, Ferron, and Huntington Creeks; and in the extreme south eastern part of the Territory in the San Juan Valley. Bluff, on the San Juan, is the chief city of this region, and was settled chiefly by people from Iron county, in 1880.<sup>40</sup> Four years later the settlements in this region, were organized into

35. For dates of Organization and first Officers see Jensen's Church Chronology.

36. See L. D. S. Biographical Encyclopedia, Art. Moses Thatcher, p. 134.

37. Jensen's Church Chronology, 1887, p. 152.

38. The Star Valley Stake is composed of the following wards; Afton, Auburn, Bedford, Etna, Fairview, Freedom, Grover, Osmond, Smoot, Thayne.

39. Edward Bunker was made Bishop of the first settlement, Wm. Branch of the second.

40. Jensen's Church Chronology, 1880, p. 106.



the San Juan Stake of Zion, with Francis A. Hammon as President.<sup>41</sup>

Settlements in extreme northeastern part of Utah were made on the Ashley fork of Green river in 1879. Two years later these settlements were created ecclesiastical wards—Ashley and Mountain Dell, with Jeremiah Hatch and Thomas Bingham, as their respective bishops. Other settlements were formed, notably Vernal, which became the county seat of Uinta county. These and other neighboring settlements were finally organized into the Vernal Stake of Zion, but not until 1887; Samuel R. Bennion was made President with Reuben S. Collett and James Hacking as counselors.<sup>42</sup>

One of the results of the establishment of settlements in outlying sections of Utah, and more especially in Arizona, was to bring the Latter-day Saint settlers into contact with the Indian tribes of those regions, which, in consequence of their sympathy with the red-men and their desire to help them as remnants of some of the tribes of Israel, resulted at least in greatly improving the relations between Indians and whites generally. Among those prominent in this Indian missionary service was Elder Anthony W. Ivins, already mentioned in connection with his activities in the Mexican Mission, and now (1915) one of the Twelve apostles<sup>43</sup> of the Church. In 1878, in company with the venerable apostle and Utah Pioneer, Erastus Snow, he performed a mission to the Navajo and Pueblo Indians in Arizona and New Mexico.<sup>44</sup> In this same year, Llewel-

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41. See L. D. S. Biographical Encyclopedia, Art. F. A. Hammon, President Hammon was a remarkable man, but typical of the class of men called to be Presidents of the stakes. From his own account of himself in the above sketch, is the following passage:

"In December, 1884, I was called to go south and take charge of the San Juan Stake of Zion. I spent a part of the winter of 1884-85 traveling in that region of country. In the fall of 1885 I moved with my family and a few others into the San Juan Stake. The winter of 1888 I spent in Washington, D. C., in the interest of the settlers in that county, in connection with what was called the Southern Ute Indian Removal Bill. I shall be 76 years old on my next birthday and am still quite hale and hearty. I have built or bought twenty-five different homes since I married. I am the father of fifteen children, the husband of three wives and grandfather to thirty-two children. Only one of my wives is now living. Life to me has indeed been worth living." (Id., p. 353). The following settlements now comprise the San Juan Stake of Zion: Bluff, Monticello, Moab, Grayson.

42. Jensen's Church Chronology, 1887, p. 147.

43. Ordained October, 1907.

44. L. D. S. Biographical Encyclopedia, Art. A. W. Ivins, p. 311.





lyn Harris visited a village of the Zuni Indians in New Mexico. "About four hundred of these Indians who were suffering with the smallpox were healed under his administration."<sup>45</sup> Others that were active among the Arizona and New Mexico Indian tribes was Wilford Woodruff, of the council of the Apostles. He was assisted by Major Lot Smith and Ira Hatch; also by Elders Ammon M. Tenney and Peter C. Christophensen. Reporting his labors during 1879-80, at the preliminary meetings to the general Church conference of April 6th, 1880, Elder Woodruff said:

"I spent a good deal of my time last season 1879-80 in visiting our Lamanite brethren, the American Indians, and I will here remark that while in Apache county I learned it was reported that the Mormons were accused of having supplied arms to the Utes who have been at war with the whites, and that we urged them on to fight.<sup>46</sup> A greater libel than this was never perpetrated. The Latter-day Saints have done more to bring the American Indians (i. e. in the locality referred to), to peace than all the efforts of the United States put together. Until the Elders of Israel went among the Indians no man's life was safe, no matter who he was; but since we have been amongst them they are the friends of the white man; they are peaceable; many of them have turned their hearts to the cultivation of the earth, and to-day many tribes of them will not steal the cattle and the horses of the white men. We have become acquainted with many of the tribes in that part of the country, (i. e. in Arizona and New Mexico). We have had many opportunities of becoming acquainted with both the Navajoes and Apaches, who have been wandering, warlike tribes, and no white man's life or scalp was safe with them until the "Mormon" Elders went among them and taught them the gospel and peace and the benefits of cultivating the earth. Now any white man can go

45. Jensen's Church Chronology.

46. This has reference to the Ute outbreak at the White River Agency in Northwestern Colorado, 1879; when what is known as the "Meeker Massacre" took place, and Major Thornburgh's command of U. S. troops but narrowly escaped annihilation. See *Deseret News*, Weekly, of Jan. 14, 1880. The occasion of the uprising was misunderstanding of the terms of the Ute treaty by the Indians, intrusion by white men upon the reservation, notice, in effect, to the Indians that they must move elsewhere. See also Interview with Hon. Geo. Q. Cannon in *Chicago Tribune*, Washington Correspondent, Jan. 7th, 1880, quoted in *Deseret News*, Weekly, of Feb. 11, '80. See Bancroft's Hist. of Colorado, pp. 470-481. For leading U. S. Journals discrediting Mormon complicity with the Ute uprising see *Chicago InterOcean*, *St. Louis Globe Democrat* and *Omaha Herald*, quoted in *Deseret News* of Dec. 10th, 1879.



among them in safety, if he will behave himself, attend to his own business, and not interfere with the families of the Indians. This will apply to the Navajoes and Apaches, with the exception of a remnant of Apaches who are not under the control of Petrone and Pedro, the war and peace chiefs, (respectively). This remnant, under Vutone, is still on the war path. The Navajoes return to the whites any strayed or stolen horses or cattle. The Navajoes visit the "Mormon" settlements in peace, where they are fed and treated kindly, taught to cultivate the earth, and instructed in the principles of peace and to prevent war. "We have visited the Oribas, Moquis, Zunis, Lagoonis, and Islatas."<sup>47</sup>

Elder Woodruff also mentions three other villages he and his associates visited viz., Hano, Cheehomva, and Walpe, the last named had about one thousand inhabitants. The Islata village, about twelve miles south of Albuquerque, he reported as having three thousand population;<sup>48</sup> also that Elder Ammon M. Tenny had visited this village three years before; also Elder Tenney had assisted in baptizing one hundred and fifteen Zuni Indians.

Thus the Church sought in this period of Apostolic Presidency not only to extend the borders of Zion by the establishment of new settlements, the founding of new Stakes of Zion, and the strengthening of those already founded, but in doing this part of the work they also coupled with it the performance of their mission of mercy and peace to "the remnants of the land," the tribes of American Indians, with whom their colonizing activities brought them in contact.

47. The Jubilee Conference Pamphlet, 1880, pp. 11-12.

48. *Ibid*, pp. 113-4. "The Islatas," said Elder Woodruff, "have their own laws, rules, and regulations such as courts, police, etc. They are a wealthy people, and stand at the head of many of the surrounding villages. They have traditions among them concerning their past and future history, which they are looking for the fulfillment of. Their record gives a history of their final restoration to civilization, industry, prosperity and the gospel of Christ, and their deliverance from oppression and war. This must be the future destiny of a remnant of them, or the promises of their forefathers must fall unfulfilled. (Id.) A few years later, 1833, an important Indian Mission was performed among the tribes in the northwest, by Moses Thatcher, Bishop Preston and others. "They traveled *via* Beaver canyon, (Eastern Idaho, enroute to Jackson's Lake, Wy.) the Yellowstone river, and across the Stillwater and Rosebud rivers, visiting the Crow Indians of the latter place, delivering to some of the chiefs the message of peace and advising obedience [i. e. to the United States government], and industry. They crossed the country mainly on an Indian trail to the Wind river, Washakie Agency, where a council was held and similar advice given to the leading men. The party returned in September, having traveled some twelve hundred miles. (L. D. S. Biographical Encyclopedia Art. Moses Thatcher, p. 135).



The crowning glory of this period of Apostolic Presidency over the Church was realized in the semi-centennial annual conference of the Church, begun on the sixth of April, 1880; but which was preceded by two days preliminary meetings—4th and 5th of April—held in the Assembly Hall, Salt Lake City, and which were no less interesting and quite as important as the meetings of the regular conference held in the Great Tabernacle. The preliminary meetings were really part of the conference, a fact evidenced by the full report of the meeting being included in the published report of the great Jubilee Conference.

All the members of the presiding quorum of the Church—the Twelve Apostles—were present, except one, George Q. Cannon, who was in Washington, as Delegate from Utah to the national congress. One of the features of the conference was that each of the apostles on the closing day of the conference—the third day—bore solemn testimony to the divinity of God's Great Latter-day Work—the coming forth and verity of the New Dispensation of the Gospel of the Lord Jesus Christ and the divinity of the mission of the Prophet Joseph Smith. Only one of the members of the original quorum of the Twelve apostles, organized in February, forty-five years before the Jubilee, was now a member of the quorum. This was the venerable Elder Orson Pratt, who was very active throughout the conference, offering the opening prayer and delivering two addresses, during the meetings.<sup>49</sup> But two of the original first

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49. He was identified with the history of the whole Church. With all its principal colonizing movements; with most of its missionary operations. "It is a great delight to me," said he, in one of his conference addresses, "to look forth upon the large congregations of the Latter-day Saints who are assembled from time to time in these mountains, in the capacity of a General Conference. In all these assemblies and conferences I remember the early rise of this Church; I remember when we were a small people, when we could assemble ourselves in a very small room, and that in general conference. I remember the first conference that I attended, on the 2d day of January, 1831, consisting perhaps of some seventy or eighty members in all, assembled in the house of Father Whitmer, whose sons were chosen to be especial witnesses in relation to this great latter-day work. I remember our trials, our difficulties, our gathering, our persecutions, our afflictions, more or less, from that day until the present time. Then I was but a boy nineteen years of age; now I am over sixty-eight, and in a few months more fifty years will have passed over my head since I was first baptized into this church. How thankful I ought to be that I am still living. How thankful I ought to be that I am still numbered with this people. How thankful I ought to be that I have the opportunity and privilege of administering in your public congregations, preaching the words of eternal life, lifting up my voice in humble testimony concerning the great work which the Lord our God has been doing during the last fifty years." Minutes of Jubilee Conference.







council of seventy survived as members of the council. These were Joseph Young, brother of the late President Brigham Young, and Levi W. Hancock. Both participated in the conference.

The discourses delivered during the conference were spirited, hopeful, and breathed assurances of the triumph of the work of God, and prophetic of future achievement that should be larger than in the past. But more important than what was said, was what was done at this conference. The Church authorities acted in the spirit of the old Israelitish Jubilee,<sup>50</sup> if not precisely in its form and letter. In the first place there was an accumulated indebtedness on the part of the community to the Perpetual Emigration Fund of \$704,000 in principal; with accumulated interest of \$900,000; the whole amounting to \$1,604,000. One-half of this sum, \$802,000, was stricken from the account, and forgiven to the poor who had been struggling with the difficulties of life, and who had not been able to meet their engagements to the fund. "Not half the amount that was due by them," explained President Taylor, "but the whole;" and to those who are forgiven the debt, it will be blotted out, and the remainder will be left to those to pay who are able to and have not done it. "And we shall expect that those who have not met their engagements," said he, "to meet them . . . for in former times they did not release the rich (from debt), it was the poor." This was carried into effect by the local authorities in the respective wards and stakes designating the parties worthy to be forgiven their debt to the fund.

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50. The old Israelitish "Jubilee." "got its name from the fact that the beginning of the year was announced by the blowing of a trumpet on the day of Atonement. In it land which had changed hands, except in non-Levitical walled cities, reverted to the family to which it belonged at the original settlement; and all bond men of Israelitish birth, were set free." (The Cambridge Bible Dictionary Art. "Jubilee"). "It was to be a remedy for those evils which accompany human society and human government; and had these laws been observed, they would have made the Jewish nation the most prosperous and perfect that ever existed. The Jubilee tended to abolish poverty. It prevented large and permanent accumulations of wealth. It gave unfortunate families an opportunity to begin over again with a fair start in life. It particularly favored the poor, without injustice to the rich. It tended to abolish slavery of the poorer Hebrews themselves; and it greatly mitigated it while it existed by removing at once the terrible incubus of a life-long bondage, with its accompanying hopelessness. \* \* \* Though very little is said about its observance in the Bible history of the Jews, yet it is referred to and was no doubt observed with more or less faithfulness, till the Babylonish captivity." (International Bible Dictionary, Art. Jubilee).



There had been an acknowledgment of tithing indebtedness by persons at different times who had not been able to pay the tythes when due, or who thought they were not able to pay at the time, and accounts had been entered on the books against them according to their acknowledgment of such indebtedness. These accounts amounted to \$151,798. It was proposed that one half of this sum, \$75,899, be relinquished to those unable to meet their several accounts, and who were worthy people. "Those that are really worthy may be released," said President Taylor, meaning thereby to release them to the full amount of their indebtedness, as in the case of the Emigration Fund; "and those that are not worthy," said he, "ought to pay it."

The year 1879 had been a year of great drought in nearly all the settlements occupied by the Saints, and consequently many had sustained loss of stock as well as of grain and other agricultural crops. It was therefore proposed that there should be a donation of one thousand cows to be distributed among the deserving poor, and five thousand sheep. The Church was to give three hundred of the cows, and two thousand of the sheep, the others to be supplied by the respective stakes of Zion according to their means and population, the distribution to be made under the local authorities of the respective wards and stakes.<sup>51</sup>

Another calamity occasioned by the drouth of 1879, was the scarcity of seed wheat. It was proposed by the conference that the Female Relief Societies of the Church, that for some years had been storing up grain against a time of scarcity, should release the 34,761 bushels they had on hand in various parts of the Church territory, and loan it to the brethren needing it for seed, the bishops in the respective districts becoming responsi-

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51. It was stipulated by President Taylor that the cows were to be "young" and "good milk cows;" and the sheep were to be "healthy sheep." The allotment of the cows and sheep furnished by the Church to the respective stakes was as follows: "Salt Lake Stake, 60 cows, 424 sheep; Bear Lake Stake, 10 cows, 66 sheep; Beaver Stake, 3 cows, 20 sheep; Box Elder Stake, 16 cows, 108 sheep; Cache Stake, 18 cows, 120 sheep; Davis Stake, 6 cows, 44 sheep; Juab Stake, 6 cows, 37 sheep; Kanab Stake, 8 cows, 50 sheep; Millard Stake, 7 cows, 44 sheep; Morgan Stake, 6 cows, 40 sheep; Panquitch Stake, 5 cows, 30 sheep; Parowan Stake, 8 cows, 50 sheep; Sevier Stake, 14 cows, 100 sheep; St. George Stake, 18 cows, 125 sheep; Summit Stake, 12 cows, 75 sheep; Sanpete Stake, 25 cows, 150 sheep; Tooele Stake, 9 cows, 60 sheep; Utah Stake, 40 cows, 264 sheep; Wasatch Stake, 6 cows, 46 sheep; Weber Stake, 23 cows, 147 sheep. Total number of cows 300; total number of sheep, 2,000.



ble for its being returned to the societies loaning it at the next harvest. "Is it to be loaned without interest," asked a voice from the congregation. "Why of course it is;" answered President Taylor, "we don't want any nonsense of that kind; *it is the time of Jubilee!*"

As the Church had thus been liberal in releasing those indebted to the perpetual Emigration Fund and to the tithing dues, so were individuals urged to be lenient towards those indebted to them individually. "If you find people owing you who are distressed," said President Taylor, "if you will go to work and try to relieve them as much as you can, under the circumstances, God will relieve you when you get into difficulties. I will tell you that, in the name of the Lord. Let us act on a kind, generous, brotherly principle, doing good one to another and carrying out the principles of the everlasting gospel in our lives."

"Free the worthy, debt bound brother if you can," said the Apostolic circular letter of instructions to the Presidents of stakes and Bishops of wards, directing them in the management of these several things to be by them carried into effect—"Free the worthy, debt-bound brother if you can. Let there be no rich among us from whose tables fall only crumbs to feed a wounded Lazarus." "We need not remind you," said the same circular, referring to the remittance of delinquent tithing, "that neither favoritism nor prejudice should influence any one in these matters, but only an earnest desire to make the yoke easy and the burden light."<sup>52</sup>

Such throughout was the Christian spirit of this "Jubilee Conference," conducted under the Apostolic Presidency. At the next general conference of the Church—the semi-annual conference, held in October, the First Presidency was reorganized with John Taylor as President and George Q. Cannon and Joseph F. Smith as his counselors, and the Church by then had entered upon another phase of her many-sided experiences.

52. The Jubilee Conference Pamphlet, p. 107. As stated the Conference minutes in full, with verbatim reports of the discourses, etc., were published in a pamphlet, under the title "The Year of Jubilee." "A full Report of the Proceedings of the Fiftieth Annual Conference of the Church of Jesus Christ of Latter-day Saints held in the Large Tabernacle, Salt Lake City, Utah, April 6, 7th, 8th, 1880." Also an account of the two days preliminary meetings of 4th and 5th of April. Minutes of the conference will also be found in *Deseret News* of April 14, 1880; and in *Mill. Star*, Vol. LII, Nos. 19, 20. But in the last two publications the discourses are not given in full.





## Rhode Island Settlers on the

### RE EDWARDS, IN THE ADDENDA

By an unfortunate mistake we failed to mention as addenda to the papers on Enoch Crosby in October issue that all the reprints are from "James Fenimore Cooper, by Mary E. Phillips" (John Lane Company, 1913), the two pictures of Mary and Sarah Duyckinck credited to courtesy of Rev. Ralph Birdsall and Miss Catherine Duyckinck who gave Miss Phillips the use of the same. Also "Cooper's Angevine Farm House" was taken by the author from "Homes of American Authors 1853" courtesy of G. P. Putnam and Sons. We here wish not only to express our indebtedness to the above parties but to warn anyone against any reproduction of these same pictures as all are "copyrighted, reproduction not allowed."



# AMERICANA

March, 1915

## Rhode Island Settlers on the French Lands in Nova Scotia in 1760 and 1761

BY ARTHUR WENTWORTH HAMILTON EATON, D. C. L.

FORT EDWARD, IN THE TOWNSHIP OF WINDSOR

THE only fortification that we have record of in Hants County, save a little place of defence in "West Falmouth" known as "Fort Lawrence," was Fort Edward, about which the first British settlement in East Falmouth, afterward Windsor, grew up. Of the history of the obscure Fort Lawrence, in Falmouth, we know virtually nothing. In the minutes of the town meeting "held in Falmouth on the 13th of October (October 22, new style), 1760," however, we find record of a note to adjourn to Saturday, the 18th of October, to Fort Lawrence, "there to proceed to draw for the six acre lots and also to transact any other affairs of the township that may occur, and hereafter to be continued every second Monday as usual."<sup>1</sup> Of the more important Fort Edward we have a pretty continuous record from the time of its building until it became finally disused.

The little stockade at Windsor known as Fort Edward was built by Major Lawrence's orders in 1750, a corps of regular soldiers and probably of "Rangers" from New England performing the work.<sup>2</sup> In an account of the defences of Nova

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1. This record will be found in the little manuscript minute book of Falmouth Town Meetings, copied by the late Dr. Thomas B. Akins, and at present in private hands in Falmouth. Dr. Hind quotes it in his "Old Parish Burying Ground," p. 49. On page 56 Dr. Hind says that Fort Edward and Fort Lawrence were nearly opposite each other, the Pisiquid river dividing them.

2. Dr. Hind says, p. 42: "On his journey to Mines, where a rendezvous of troops took place in that year [1750], Major Lawrence had under his command 165 regulars and about 200 rangers. Fort Edward was built after his return from Chignecto, and there can be little doubt that both the regulars and the rangers assisted in its construction. Dr. Hind, p. 7, also states that an order to erect a block house at Pisiquid was given by Governor Cornwallis to Captain John Gorham, March 12, 1749.



Scotia he sent Lord Lodoun on the 21st of June, 1756, Major Lawrence says:

"Piziquid or Fort Edward is a fort situated upon an eminence on the South East side of Mines Bason, between the rivers Piziquid and St. Croix, to which we have access by land by way of Fort Sackville [in Halifax County] and is distant therefrom about 40 miles; we have also a communication therewith by the Bay of Fundy. There is a necessity of keeping a strong garrison here to send out detachments to scour the country for Indians and to keep the disaffected French inhabitants under subjection."<sup>3</sup>

Of the "Rangers," who probably helped in the construction of Fort Edward, a few words should here be said. They were volunteer troops from the interior of Massachusetts and New Hampshire, raised early in the history of New England, to defend the people of Massachusetts against the Indians. "They ascended the rivers, penetrated into the heart of the province, and attacked the enemy in their strongholds."<sup>4</sup> A corps of the Rangers was sent to Nova Scotia in command of Major Joseph Gorham save after the settlement of Halifax, and Dr. Hind says they passed through Piziquid in 1750. This corps, Dr. Akins tells us, was composed chiefly of "half blood Indians."<sup>5</sup> Early in 1758, under instructions from the Earl of Lodoun, commander-in-chief of the forces in North America, Captain, afterward Major, Robert Rogers raised five additional companies, one of them an Indian company, to augment the Rangers' force. The five companies were ready for service on the 4th of March, 1758, and Major Rogers says that four of them were at once sent to Louisburg to assist General Amherst.<sup>6</sup> In 1758, says Dr. Akins, it was again found necessary to procure the services of 250 of the Rangers, and prom-

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3. Dr. Hind gives March 30, 1755, as the date of this description "Old Parish Burying Ground," pp. 5, 6.

4. Dr. Thomas B. Akins, in his "History of the Settlement of Halifax," Collections of the Nova Scotia Historical Society. Vol. 8.

5. Nova Scotia Archives, Vol. 1, p. 564. Dr. Hind says of the Rangers: "Long accustomed to border war with the Indians and French of Canada, they had become well disciplined and accustomed to hardship and fatigue, and were perhaps at this time [1758] superior to all other provincial troops in America." "Old Parish Burying Ground," p. 46.

6. "Journals of Major Robert Rogers," p. 78.





ises of high pay and other advantages were made them if they would come. Whether the corps in the Province at the time of the building of Fort Edward remained much longer, or what their movements for the next few years were, we cannot at present stop to inquire.<sup>7</sup>

The name of the Pisiquid fort has sometimes mistakenly been said to have been given in compliment to the Duke of Kent, who late in the 18th century spent a few years in Nova Scotia in command of the British North American forces, but this is not true, the fort was undoubtedly named for Colonel Edward Cornwallis, who was governor of the Province when it was erected, Fort Lawrence, across the Pisiquid, being named for the lieutenant-governor, Major Charles Lawrence, who in July, 1750, was made lieutenant-governor, and in July, 1756, succeeding Colonel Peregrine Thomas Hopson, governor. The name Fort Edward of the Pisiquid fort appears in documents of the time certainly as early as 1752, the Duke of Kent was not born until 1767.

At the time of the expulsion of the Acadians in 1755, the garrison at Fort Edward was in command of Captain Alexander Murray, and the proclamation requiring the men of Pisiquid and Grand Pré to assemble in their respective churches to hear the King's orders, was drawn up by Col. John Winslow and Captain Murray, conjointly, within the precincts of the Pisiquid fort.<sup>8</sup> When their countrymen were taken away, as is well known, a very considerable number of the French of King's County escaped to the woods, and this is probably more true of the people of Pisiquid than of Minas or River Canard. From the close of 1755 to 1765, says Dr. Hind, the duties of the Pisiquid sol-

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7. In a return made by General Amherst of the troops voted to be levied, those actually raised, and those to remain in service during the winter, for the year 1762, in all the colonies, we find that nearly 3,000 Massachusetts troops were in service in this year. Of these 3,000, 500 were at Cape Breton and Newfoundland. Among these were Major Joseph Gorham's Rangers, "an independent corps which had previously been recruited largely from Massachusetts." The recruiting office was at Boston. One of Gorham's officers recruited 34 men in Nova Scotia and 14 at Boston; those from Nova Scotia are said to have been sent to Boston.

8. Parkman's "Montcalm and Wolfe," and Winslow's Journal, published in Vols. 3 and 4 of the Collections of the Nova Scotia Historical Society. The part of Winslow's Journal that relates to the deportation of the Acadians will be found in Vol. 3.



diers "were arduous and painful. The Acadians and Indians appear to have been hunted down as a necessary, though distressing, precautionary measure. Those of the Acadians who were not killed were kept as prisoners when taken, many of them voluntarily surrendering in order to escape starvation." On the 5th of October, 1761, the number of French families "at" Fort Edward is chronicled as 231, and of prisoners victualled at the fort as 82. On the 11th of October, 1762, the number of families is said to be 217, and June 12th, 1762, the number of prisoners is given as 91. In 1763 the number of prisoners varies from 335 to 391. The unsettled state of the Pisiquid district will show the reason why the first settlers in Falmouth and Newport were protected by forts and soldiers . . . and why so little is recorded of the occupation of the fertile country about Windsor from 1755 to 1760, a period of four years."<sup>9</sup>

In 1762, the garrison of Fort Edward was composed of the militia of King's County, all regular troops being concentrated at Halifax, with the exception of a hundred men at St. John River, Annapolis, and Cumberland. As the entire population of the four King's County townships, Horton, Cornwallis, Falmouth and Newport, in 1763 was 367 families, comprising 1,936 souls, nearly all the able-bodied men of the county must have been enrolled in order to garrison the forts and blockhouses, of which Fort Edward was chief. At a meeting of Council, July 26, 1762, it was stated that it had been indispensable for the safety of the settlers to send a hundred and thirty Acadians from King's County to Halifax, under a militia guard of a hundred men of King's County.

On the 16th of March, 1759, General Amherst at New York writes to Governor Lawrence at Halifax: "I have wrote to Governor Pownall for fifteen hundred Provincials to joyn the five hundred that will be detached from Monckton's and Lawrence's Battalions for the protection of Halifax, Nova Scotia, and the Bay of Fundy, and that there may be no loss of time I shall order the Provincials to be embarked at Boston and to proceed directly to the different Garrisons in the Bay of Fundy

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9. "Old Parish Burying Ground," pp. 30, 42.



at the following distributions: 400 to Fort Cumberland, 250 to Annapolis, 250 to St. John's, 100 to Pisiquid, 200 to Lunenburg."<sup>9</sup> June 1, 1760, Hon. Charles Morris, provisional surveyor, writes Governor Lawrence from Pisiquid that "Captain Watmore" informs him that he has but 110 men "in both Detachments," a number that he believes his Excellency will think too small to defend Fort Edward and protect the King's County settlements, as two of them, Minas and Canard, are remote and cannot depend upon assistance "from hence."<sup>10</sup>

Before 1773, Fort Edward, says Murdoch, was almost entirely destroyed, for in June of that year Lord William Campbell, the governor, declared to the Council his intention of reserving for himself a tract of land containing about twenty-one acres around the hill *on which the fort had formerly stood*.<sup>11</sup> Tradition has it, says Dr. Hind, that Lord William had a race course round Fort Edward hill, and Judge Haliburton says that "the ground originally reserved for military purposes in the neighborhood of the fort was granted during the administration of Lord William Campbell, *in the year 1767*, to his lordship's groom, and was afterward purchased for a valuable consideration by government."<sup>12</sup> Colonel Robert Morse, R. E., however, who in 1783 and 1784, under direction of Governor Parr, made a census of Nova Scotia and part of New Brunswick, at this later period describes the fort as still in tolerable order and equipped for purposes of defence. Fort Edward, he says, "is a small, square fort of 85 yards exterior front, with bastions, a ditch, and a raised counterscarp, and is composed of sod. Here are eight pieces of cannon mounted. This fort . . . was built early in the settlement of the province, first intended as a place of security against the Indians, *and repaired and improved in the beginning of the late war* to protect the inhabitants of Windsor from the ravages of the American privateers." Colonel Morse says that the fort had accommodation for 168 men and 8

9½. Nova Scotia Archives, Vol. 1, pp. 403, 442.

10. See Mr. Morris's letter, appendix.

11. Beamish Murdoch's "History of Nova Scotia," Vol. 2, p. 510.

12. Haliburton's "Historical and Statistical Account of Nova Scotia," Vol. 2, p. 108.





officers, and that the cannon it mounted included five iron nine-pounders, one iron six-pounder, and two iron four-pounders, and that it was supplied with 696 round shot, 10 case, and 10 grape.<sup>13</sup>

In 1829, Judge Haliburton wrote: "There is a small military post at Windsor, called Fort Edward, in honor of his Royal Highness the late Duke of Kent, which is much out of repair and now scarcely tenatable. It is pleasantly and advantageously situated on elevated land that commands the entrance of both rivers. . . . The fortifications, it is said, are to be repaired and new and commodious barracks erected. At present a subaltern and a small detachment are stationed there."<sup>14</sup>

In command at Fort Edward in successive years were the following officers: 1750, Captain John Gorham; 1751, Captain St. Loe of the regular army, and Captain Sutherland of Warburton's regiment; 1753, Captain Hale, relieved November 1 (of that year) by Captain Matthew Floyer; 1754, Captain Floyer, Captain Cox (formerly, as was Captain Floyer in 1750, commandant at "Vieux Logis," Minas), and Captain Alexander Murray; 1755 Captains Murray and Cox, the force they commanded being increased, December 5, by Captain Lampson's and Captain Cobb's companies of the First Battalion of Governor Shirley's Massachusetts regiment; 1756, Captains Cox, Lampson and Cobb; 1757, Colonel Kennedy (in August the garrison received part of Colonel Kennedy's regiment, under Lord London); 1758, Captain Fletcher of Col. Frye's Massachusetts regiment, a detachment of the New England Rangers possibly also being in the fort; 1759, Captain Fletcher, Captain Gay of Colonel John Thomas' Massachusetts regiment, and Colonel Nathan Thwing; 1760, Captain Jotham Gay of Colonel Nathan Thwing's Massachusetts regiment.<sup>15</sup>

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13. Hind's "Old Parish Burying Ground," p. 3.

14. Haliburton's "Nova Scotia," Vol. 2, p. 108. It is in this connection that Judge Haliburton says that the land about the fort was granted in 1767 to Lord William Campbell's groom.

15. "Old Parish Burying Ground," p. 43.



## APPENDIX I

“To the King’s most excellent Majesty

“May it please your Majesty

“The success of your Majesty’s

*the said*

“arms in the year 1755, in dispossessing the French of the several encroachments they had made at Beauséjour, Bay Verte, and in other parts of the Colony of Nova Scotia, having afforded a favourable opportunity of reducing the French Inhabitants of the Colony to that obedience which as subjects under the faith of the Treaty of Utrecht they owed to your Majesty’s Government, or forcing them to quit the Country, Charles Lawrence, Esqr., your Majesty’s Governor of the said Colony, availed himself of that conjuncture to try every means of inducing them to take the proper Oath of allegiance to your Majesty, unqualified with any Reservation whatever. But they persisting in an unanimous Refusal of such Oath, the said Governor and your Majesty’s Council, assisted by the advice and opinion of Admiral Boscawen and the late Rear Admiral Mostyn, resolved it to be indispensably necessary to the security of Nova Scotia, immediately to remove from that colony a set of people who refusing to become subjects to your Majesty according to the stipulation of the Treaty of Utrecht, had ever since under the name of Neutrals either abetted every hostile attempt of the French by secret Treachery or countenanced them by open force.

“This Resolution being carried into effectual execution by transporting the said French Inhabitants to the amount of near 7,000 persons and distributing them in proper proportions among the colonies on the Continent of North America, vast quantities of the most fertile land in an actual state of cultivation and in those parts of the Province the most advantageously situated for commerce in general and that of the Fishery in particular, became vacant and subject to your Majesty’s disposal: And the filling them with useful and industrious Inhabitants appeared to us to be of so great Importance to the future security and prosperity of Nova Scotia that it became an immediate object of our utmost attention and sollicitude. Accordingly we lost



no time in recommending it to your Majesty's Governor to consult with such of the neighboring Colonies as abound in Inhabitants and whose cleared Lands are already taken up and to use every other means in his Power toward inviting and procuring a proper number of settlers to seat themselves on the said vacated lands on the terms and conditions prescribed by your Majesty's Instructions.

"In pursuance of these directions your Majesty's Governor by private correspondence at first and afterwards by two publick Proclamations (of which we humbly beg leave to annex copies) made known the quantities, situation, and nature of the Lands, and the conditions on which he was impowered to Grant them, appointed agents at Boston and New York to treat with all Persons desirous to become settlers, and in consequence received several Proposals for settling Townships in different parts of the Province. And altho' the execution of those proposals has been greatly delayed by circumstances the most unfavorable to such undertakings, which necessarily arise in time of war, and particularly by the dread of those incursions and cruelties of the French and Indians, with which this Province has continually been harassed. We have nevertheless the great satisfaction humbly to represent to your Majesty that the zealous endeavors of your said Governor have at length been crowned with a success greatly beyond our expectations and almost equal to our wishes.

"It appears, may it please your Majesty, by letters and papers which we have lately received from Mr. Lawrence that an extraordinary disposition for settling in Nova Scotia, having in consequence of the said Proclamations diffused itself thro' the Colonies of the Massachusetts, Connecticut, and Rhode Island, in the two last of which the Inhabitants are growing too numerous for their present possessions, the said Governor has availed himself of that spirit not merely to people the cultivated Lands heretofore possessed by the French Inhabitants, according to the first idea, but also to grant out with them a very large proportion of wild and uncultivated country. That upon this Plan he has actually passed Grants of nine Townships containing 100,000 acres each within ye Bay of Fundy, and of four other





Townships of the like number of acres each on the Cape Sable shore. In which 13 townships it is covenanted that 2,550 Families, making in the whole 12,750 Persons, shall be seated in the course of the three ensuing years, in such Proportion and at such Periods as are specified in the annexed copy of the Abstract of the said grants, and Mr. Lawrence further informs us that he is actually in treaty with Persons who have applied to him for Grants of Six or Eight Townships more than are mentioned in the said abstract with respect to the Terms and Conditions on which the said 13 Townships have been Granted. . . .

"It appears by a copy of one of the Grants which Mr. Lawrence has transmitted to us as the model by which the rest were framed that they are conformable to the directions of your Majesty's Instructions with regard to the Quantity allotted to each family, the Quit rent reserved by your Majesty and the conditions of cultivation and improvement. And the only circumstance which we regret in the management of this important business is that notwithstanding the uncommon fertility and other peculiar advantages of these Lands which might be deemed to afford sufficient encouragement to the settlers without incurring any expence to the Publick, we find that Mr. Lawrence has been obliged to consent to pay the charge of transporting the first year's settlers of the three first Townships, and of making them a small allowance of Bread corn. But we are hopeful nevertheless that the Reasons set forth in the said Governor's letter and in the Minutes of the Council (extracts of which we humbly beg leave to annex may induce your Majesty to approve the conduct of your Governor in consenting to these allowances, rather than risking by too strict an attention to Economy the whole success of a measure which must be productive of the most essential advantages, not only to the Colony of Nova Scotia but to your Majesty's other Colonies on the Continent of North America and finally to this Kingdom. For, by the accomplishment of this important undertaking, the Colony of Nova Scotia, becoming almost at once populous, will rise from the weak state of Infancy to such a degree of internal strength and stability as will naturally produce its own security, and contribute in a great measure to that of those neighboring Provinces to which it is a



Frontier. In consequence of these advantages it may reasonably be hoped that this Colony will in a few years cease to be a Burthen to the Mother Country to whose bountifull assistance it has hitherto owed its support, and that being thus enabled fully to avail itself of those great and lasting sources of Wealth which it possesses, it will not only have within itself all the necessaries of life sufficient for its own consumption but be in a capacity of exporting large Quantities of Grain, Hemp, Flax, Fish and other valuable commodities to the great increase and benefit of the Trade and Navigation of Great Britain and her Colonies.

"For these reasons we think it our duty humbly to lay before your Majesty the whole Proceedings of your Governor and Council in this important service (as set forth in the several papers hereunto annexed) humbly proposing that they may receive the sanction of your Majesty's Royal approbation.

"All which is most humbly submitted.

"DUNK HALIFAX,  
SOAME JENYNS,  
W. G. HAMILTON,  
W. SLOPER.

"Whitehall,  
"Decem<sup>r</sup> 20th, 1759."

The thirteen "old townships" referred to in this letter were, we believe, Horton, Cornwallis, Falmouth (the first townships formed for New England people), Truro, Onslow, Cumberland, Sackville, Amherst, Chester, Dublin, Annapolis, Granville, Liverpool. In a letter from the Lords of Trade to Lawrence of December 14, 1759, the gentlemen comprising this body signify their approval of Lawrence's attempts "to settle the Province of Nova Scotia by scheme for Horton and 12 other Townships."

## APPENDIX II

Governor Lawrence on the 5th of February, 1759, writes the Lords of Trade: "Since I had the honour of writing to your Lordships in December last, enclosing a Proclamation issued in



the month of October, encouraging the settlement of the vacated lands, I have received information from Mr. Hancock, who does the business of this Province at Boston, that various applications have been made to him in consequence of it by people disposed to settle the Lands, but that there are some interesting points which the Proclamation did not fully sett forth and explain, and that it would be therefore necessary in order to his being enabled to resolve in a satisfactory manner such doubts as might arise in the people's minds upon these points that he should be further instructed concerning them. I immediately laid this letter before His Majesty's Council for their opinion, who advised me to issue another proclamation which herewith I have the honour to transmitt [dated January 11, 1759], to your lordships not doubting but as it is as nearly conformable as possible to His Majesty's commands signified in His Instructions, I shall be happy in your Lordships approbation of my conduct therein.

"It would be ~~matter~~ of the highest mortification to me should I hereafter appear to have taken any undue steps in a measure of so much moment as that of peopling these valuable tracts of land, and therefore whatever I engage in, without first hearing from your Lordships I shall undertake with the utmost caution and circumspection, but as the people on the continent discover at present a particular spirit to become adventurers in that part of the country, which if discouraged by any delay might be of the highest detriment to so desirable an undertaking, I presume your Lordships would have me use my best endeavours to avail myself of this favourable crisis and introduce what settlers I can, etc., etc."

April 20, 1759, Lawrence writes: "I have now the satisfaction to acquaint your Lordships further that agents appointed by some hundred of associated substantial families residing in the colonies of Connecticut and Rhode Island are arrived here to visit the Bay of Fundy and chuse lands for the immediate establishment of two or more townships if in viewing the country they find it answers the description I have given of it in the Proclamation and the accounts handed about by the different people who have transiently had occasion to know something of its uncommon fertility. I propose sending them away in a few days





in one of the Province Vessels with the Principal Surveyor [Hon. Charles Morris], who is well acquainted with every department in the Bay, and who I am persuaded will bring them back perfectly pleased and satisfied with every thing that falls under their observation," etc., etc., etc.<sup>1</sup>

### APPENDIX III

[Letter from Hon. Charles Morris to Governor Lawrence, taken from the Council Records].

"PISQUID, June 1, 1760.

"SIR.—Having left the inhabitants of Liverpool in high spirits, extremely well pleased with their situation and the choice they have made for a Township, and for having discovered among other things great Quantities of fine Oak for ship building, on the 24th Inst. I sailed for the Bay, the 29th I put into Annapolis to deliver the settlers I had charge of; there I found forty settlers belonging to the Township of Annapolis, arrived just before us, and a committee for the Township of Granville, to lay out Lotts for their first settlers. These came in a vessel hired by Mr. Hancock for Mr. Evans and compy. and was to return the next Day for the remainder of the settlers and stock, who were not at first ready, so that they have hired one Vessel to go two Trips instead of two Vessels (I was obliged to tarry with them part of the next day, in order to satisfy some discontents), on account of the number of Troops allowed for their Protection.

"Colonel Hoar has not above 70 men reenlisted, the others insisting on being released and sent home, and I find by a Letter he has received by this Vessel from Governor Pownall there is no Recruits to be expected from thence, but he informs him the Troops will soon be otherways relieved; perhaps he has Advice that (as it is reported) Louisburg is to be demolished, and the Troops removed from this Province.

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1. Hon. Charles Morris, for many years Surveyor General of Nova Scotia, was a Boston man. For a sketch of him (by the writer of this paper) see the New England Historical and Genealogical Register, for July, 1913.



“The want of a sufficient number of Troops at this Juncture where so many settlements are carrying on, is not a little discouraging to the new Setlers, I am in hopes no Accident will happen to make a greater number necessary.

“The Cape Sable Indians have been at Annapolis, and have behaved friendly and left some of their wives and children there, and propose to return and bring their families, I think Mr. Hoar told me there were nine families.

“There is one Circumstance I beg leave to take notice of to your Excellency, mentioned to me by Coll. Hoar, that he had received Advice from Major Arbuthnot that 160 of his men had deserted, that he was apprehensive the others would the first opportunity, and that the Garrison would be in danger if anything should happen in that part of the Country.

“Having put the new Inhabitants at Annapolis, in a method how to divide and Improve their Land to their Satisfaction, I set sail the 30th and arrived last night here, and this morning between Eleven & Twelve, came up Captain Rogers, with six Transports with Inhabitants, principally for the Township of Minas, they have been out 21 days and Suffered much for want of sufficient Provinder and Hay for their Stock. We were obliged to Land the Cattle here which was done immediately, and purpose after they have recruited to drive them to Minas.

“Captain Rogers informs me that there were many Families more than they could provide Transports for, waiting at New London with their Cattle and that Captain Taggart who is daily expected, will bring a more full account of the particulars.

“I should be glad of your Excellency’s immediate orders if you think proper for sending back the Transports and which of the Province Vessels you purpose to accompany them. or both, and whether the vessels belonging to the Inhabitants of this Province are not to be preferred if there be more Vessels than sufficient: I am humbly of opinion that this opportunity of importing the Inhabitants ought by no means to be neglected, seeing they are ready for embarkation, the vessels already prepared both for Men and Cattle, and the Passage to and from Connecticut cannot be much longer than a month at this season.



“June 2d. -

“There are four separate Places to be Settled, Canard, Minas, North and East side of Pisiquid.

“The Places I intend to propose at Canard is Boudrow's Bank, at Minas the Vieux Lodgées, at Pisiquid for the North side the upland (between both marshes) East of Petit Cape in sight of this Fort, and the other I have not yet examined but intend such a Place as is within Sight of this Fort, and may by Signal be relieved.

“I hope your Excellency will think with me it is necessary at all these Places to have a small Lodgment for the Troops and a Place of Refuge in case any attempt now unforeseen should be made. That if they are permitted to scatter in their Settlements under its Present Circumstances, it may tempt the neutral French and the Indians to give them a fatal Blow which otherwise they would not think of.

“That a compact Town will be necessary at all these Places upon account of Trade and Tradesmen, and that such Settlements placed as they will be in the midst of all their clear Land, may be as advantageous to the Farmers, but that which is of the utmost Importance, is defending them at first and securing them so as to stand in spite of all attempts. Individuals may be unfortunate but a Settlement so founded will hold its ground.

“The charge of doing these things shall not be great but it will be necessary to have at least one Load of Boards about 30 in. for covering for the Troops and Stores: The rails I brought with me will be sufficient but cash will be wanting for Labour, and for which I shall want your Excellency's orders or leave to draw for, and which I promise shall be as little as possible.

“Captain Watmore is heartily disposed to serve the Settlements and would be glad of a Share in some of those Lands for his children if any Vacancy should remain or be forfeited.

“He informs me he has but 110 men in both Detachments, a number I apprehend your Excellency will think too small to defend this Fort and protect these Settlements, as two of them, Minas and Canard, are remote, and cannot depend upon assistance from hence, however I shall proceed tomorrow if possible with the People to Minas, in order to unload the Vessels and





have them ready in case your Excellency thinks it necessary they should immediately return for Setlers, and hope to have Advice and orders thereon by the Return of the Party.

"I have inclosed your Excellency a Return of the number of Setlers and have inquired into the deficiency of Arms for which they have applied and for Ammunition. I have told them I would make a Return to your Excellency of what Arms were wanting, as to Ammunition it should be lodged with the officers Commanding the Parties, and to be issued only in Time of Necessity.

"I have the Honour to be  
"with the greatest Respect,  
"Your Excellency's  
"Most obliged & obed<sup>t</sup>.  
"humble Servant

"Signed

"CHAS. MORRIS"

#### APPENDIX IV

It is well known that for many years, almost from the beginning of the settlement of Halifax, Messrs. Charles Apthorp and Thomas Hancock of Boston and Messrs. Delancey and Watts of New York were "factors" or agents in the other colonies for the Nova Scotia Government. At a Council meeting held at Governor Cornwallis' house, July 6, 1750, His Excellency and six councillors being present, the Governor informed the Council that as there had been "some difficulty in raising the supplies of money necessary for the service of the colony, he had agreed to a proposal sent him by Messrs. Apthorp and Hancock of Boston, who engaged to provide him with Dollars, upon condition that they should likewise have the furnishing of all stores and materials, which His Excellency understood as meaning all such as might be wanted from that Province, but that these Gentlemen had since explained their terms, so as to oblige him to take everything whatever wanted for this Province from them only and not have it in his Power to buy anything whatever here, or in any of the northern Colonys, which terms he could not agree to without first consulting the Council. . . . That Delancy and



Watts write that provided His Excellency could assure them of the bills being duly honoured, there could be no Difficulty in being provided with Dollars from New York." *Nova Scotia Archives (printed)*, Vol. 1, pp. 619, 620.

November 27, 1750, Governor Lawrence writes the Lords of Trade: "Some gentlemen of Boston, who have long served the Government, because they have not the supplying of every thing, have done all the mischief they could; their substance which they have got from the Public enables them to distress and domineer; without them, they say, we can't do and so must comply with what terms they think proper to impose; these are Messrs. Apthorp and Hancock, the two richest Merchants in Boston; made so by the public money and now wanton in their insolent demands. They were proffered to supply all things from Boston, provided they would do it upon as reasonable terms as others, and supply money. No—unless every thing wanted was taken from them, they would not and have endeavored as far as in them lies, to depreciate the credit of the province. I have employed Mr. Gunter, a person who has shown his regard for the settlement by laying out a great deal of money in it, whereas the others have not contributed a sixpence to it, and have had the supplying, I dare say, one half of the necessaries wanted, and this is the return they make. It is quite indifferent to me who is employed. I wish to God some person you confide in was sent to transact the affairs of the Country relating to money matters.

. . . "Messrs. Delancey and Watts of New York, who have done all in their power to serve the Government, complain greatly of Mr. Kilby, his not acquainting them whether their Bills were paid or not; his threatening them with the charge of the Protest of their Bills and all costs. Indeed, my Lords, Mr. Kilby wants looking after, and if the complaints made against him are true, will ruin the credit and every being of the Province. I know very little of him, he is a very fair spoken man but in trade and has his connections in New England, and if what is said be true gives very unjust preferences in his payment of bills." *Nova Scotia Archives*, Vol. 1, pp. 630, 631.

Governor Shirley at Boston in a letter to Governor Lawrence



at Halifax of January 6, 1755, says: "Your Honour hath, I perceive, given Colonel Moncton unlimited credit upon Messrs. Apthorp and Hancock, and he looks upon himself confin'd by that to those Gentlemen for every article to be provided for in this expedition: I have a friendship for both of them and have been instrumental in introducing them, particularly Mr. Apthorp into the Business of the Board of Ordnance and as merchant factors for your Honour's Government, whe I think stands upon no appointment nor order of the Board of Trade, but purely upon the pleasure of the Govrs. of Nova Scotia from time to time: My kindness still remains for them, and we are upon exceedingly good terms; But as I have a Daughter lately marry'd to a mercht. here, who is a Young Gentleman of extreme good character, and for whose fidelity and honour in his dealings I can be answerable, of some Capital, and Eldest son to a mercht. of the largest fortune of any one in Boston I think I shall not do anything unreasonable by Mr. Apthorp and Hancock, if I request the favour of your Honour to let my son in Law Mr. John Erving be join'd with them in furnishing money and stores for this Expedition upon the same terms as they do." *Nova Scotia Archives, Vol. 1, p. 399.*

Messrs. Apthorp and Hancock furnished Lawrence with vessels in which to remove the Acadians, and presented large bills for this service. *Nova Scotia Archives, Vol. 1, pp. 285-293.* December 12, 1760, Lieutenant-Governor Belcher writes that Mr. Hancock "has advanced a very considerable sum towards the transportation and necessary supplies of corn for the settlers." In 1751 Joshua Mauger was "agent victualler" for the navy at Halifax.

#### APPENDIX V

The grant of the township of Rawdon to which reference has been made in the foregoing paper was given on the 3d of August, 1784, (registered September 4th). The boundaries of the township as described in the grant were probably virtually the same as those of the present township of Rawdon. The warrant for the grant bears date June 26, 1784, and orders the laying out of





fifty-eight allotments of land to "John Bond and other associated Loyalists." The grant was actually given to Captain John Bond, William Meek, Colonel Zachariah Gibbs, Captain George Bond, and fifty-two others, and was for 23,000 acres in all, exclusive of 2,000 acres reserved for a school and glebe and other public uses, "also for an allowance for all such roads as may hereafter be deemed necessary to pass through the same. The grantees' names put in alphabetical order, and not in the order in which they occur in the grant, are as follows:

Alexander, Robert.	McMullon, Richard.
Atwood, Richard.	Meek, John.
Bond, Capt. George.	Meek, Samuel.
Bond, Capt. John.	Meek, William.
Bond, John.	Murphy, John.
Bowman, William.	Murphy, Philip.
Bruce, Moses.	Murphy, William.
Bryson, John.	Nichols, James.
Bryson, William.	Pearson, Col. Thomas.
Bryson, William, Jr.	Procter, Samuel.
Costley, Robert.	Ryland, Peter.
Covill, Samuel.	Saunderson, John.
Crossian, Jeremiah.	Scott, Robert.
Cunningham, William.	Simpson, Joseph.
Dimick, Shubald.	Snell, Daniel.
Ellis, Joseph.	Snell, David.
Fitzsimmons, James.	Snell, George.
Frelick, Adam.	Thornton, Abraham.
Gibbs, Col. Zachariah.	Thornton, Eli.
Green, Henry.	Thornton, Thomas.
Hoyt, Eli.	Wallace, William.
Landerkin, John.	Wier, Benjamin.
Lewis, John.	Wier, William.
Lively, Reuben.	Williams, Thomas.
Martindale, Henry.	Wilson, Roger.
Martindale, Henry, Jr.	Withrow, David.
McAllister, Samuel.	Withrow, Jacob.
McCullum, John.	Withrow, John.
McGuire, John.	

*Sources:* Nova Scotia Crown Land Registers; Nova Scotia Council Records; Nova Scotia Archives, 3 vols.; Haliburton's History of Nova Scotia; Murdoch's History of Nova Scotia;



Hind's Old Parish Burying Ground; Falmouth, Newport, and Windsor Township Books; Eaton's Histories of Kings County, Nova Scotia, and the Church of England in Nova Scotia; W. C. Milner's Chignecto Isthmus; Windsor Parish Register; Parkman's Montcalm and Wolfe; New England Historical and Genealogical Register; Updike's History of the Episcopal Church in Narragansett, 2nd edition, edited by Rev. Dr. Daniel Goodwin; Arnold's Genealogical Dictionary of Rhode Island; William B. Weedon's Early Rhode Island, a Social History of the People; etc., etc.

The writer has also received valuable help from Dr. David Allison, of Halifax, Nova Scotia, who has a very intimate knowledge especially of the township of Newport.



## "For Conscience Sake"

BY CORNELIA MITCHELL PARSONS

### CHAPTER XII

#### ENGLISH FLAG RAISED—TREACHERY

"Skillful pilots gain their reputation from storms and tempests."

(Governor Stuyvesant, who feared trouble, said.)—EPICURUS

"Conscience is the oracle of God."—BYRON.

**T**HERE was much uneasiness in Gravesend. The English colonists were growing restive under the yoke of Holland, and longed for freedom, and England's rule. There was much plotting, but Lady Moody, always loyal to the Dutch and Governor Stuyvesant, spent precious time in trying to allay the excitement. She was growing old, and the "grasshopper had become a burden."

George Baxter, as the months had passed, had been exiled and sent to England, where he spent some time. He returned with new plans and a decided purpose to rouse the English at Gravesend.

It was winter time, December, 1655. The East River had frozen over; the ice was very thick. Ensign George Baxter on his skates easily made his way to the Long Island shore.

It had been a full day for Lady Moody and Frances. Both had been busily engrossed with the plans for the coming marriage, which was to take place on the twenty-fourth, Christmas Eve. Looking from a window, Frances heard shouts, and called Lady Moody to her side. They could plainly discern that the English flag had been hoisted in place of the Dutch. The flag-pole was surrounded by wildly excited English, while the Dutch women, shaking their fists, and the men with fire-arms, were





fiercely approaching. There seemed great danger of a riot. Lady Moore dispatched at once her trusty servant, to take a message to Stuyvesant, that the insurrection might be quelled. Lady Moody's face was drawn and white as she hurried out of her dwelling, followed by Sir Henry.

"Shame upon you, Master Baxter; I have no time to bid you greeting! You have come here as a traitor, and have proved false to the vows that you have taken; returning evil for good. Lower that flag! Even though I am an English woman, I dwell among the Dutch, and will not see my friends insulted. Lower that flag, or you will be fined, or suffer death. I cannot restrain the Dutch soldiery. If they fire, it means death to many."

Governor Stuyvesant, who, fearing trouble, had met Lady Moody's servant on the road, and just then approached. The chief rebel, Baxter, was immediately ordered to be arrested. Stuyvesant's brow was dark, and Lady Moody saw that it would go hard with her old friend and neighbor.

"Take Ensign George Baxter prisoner, and handcuff him," ordered Stuyvesant sternly. "Remove him to the dungeon in Manhattan. Turning to Lady Moody, he said, "Lady Deborah Moody, you have shown your colors. Though an English woman, you are verily my friend, and as long as I remain Governor of this province, you and yours will be protected by me." He laid his hand on his sword, and glanced at his friends. "'Favor is deceitful, and beauty is vain, but the woman who feareth the Lord, she shall be praised.' 'Truth and integrity are a precious possession, more than silver or gold.' Noble lady, I bid you farewell; I must return to New Amsterdam. I am a busy man, for the time groweth short before I set sail for the Barbadoes." Turning to Frances, he said, "Mistress Frances, remember me on your wedding-day. I cannot be present, but I shall send my representative, and you will hear from my Lady and me, in some substantial way, before long."

After Lady Moody had bidden the Governor farewell, she returned to her abode. All seemed quieted down. Sir Henry was very much excited as to the recent happenings, and talked very earnestly with his Mother about the unfortunate rebel, George Baxter, who, with no sense of gratitude to the Dutch for what



they had in the past done for his protection, had proved treacherous, and now lay a prisoner in the dungeon in New Amsterdam.

"I wonder what dear Mr. Williams would do if here; he is ever a peacemaker."

"Think you, Mother, his words would help at such a crisis?"

"How I wish he might have visited us on his return, before going to Providence Plantation."

"He hath many enemies among the religious masses who cling to the faith of their fathers."

"He believeth in toleration, and yet hath been heard to say that England would be what Amsterdam had become by its wide toleration, 'a very sink of all errors and of prodigious evils' But he can fight when the call cometh, and in truth is a most loyal man. I think he would advise wisely, and would see that Master George Baxter should be punished."

"Have you heard, Mother, that Mr. Williams' book, in which he had taken such an interest, was ordered to be burnt by the hangmen?"

"Yes, truly, some such news hath reached me."

Frances, returning from a visit to Mistress Penelope, met Minatonka.

"I have come," said the Indian maid, "tell Lily-Pale-Face that Annahook the Brave hath in his hands much gold from the Brave Winthrop to let captive go. Pale-face-girl, child of Squaw Annahook, she cry; not want to leave my people. Speak Indian tongue; dress like Indian. She like beads and feathers; cry much when Minatonka carry pale-face away. Minatonka take child to witch-squaw to-morrow."

"Brave girl; I will speak of you to the Governor, His Excellency Governor Winthrop, to whom later she will be taken, that she may be given into the hands of her sister and two brothers. God be praised for his goodness and deliverance of the captive. It is in answer to prayer. The good Governor Winthrop promised me that he would do what he could for the child. You, Minatonka, have been sent by the great, white Spirit to do His will. I thank you from my heart. You have ever been a friend to the Pale-face, and you will receive your reward."



"Minatonka take no gold, no ransom gold. Minatonka love pale-face; die for pale-face."

"Brave girl, come with me, that Lady Moody and Sir Henry may both express their gratitude."

The kind friends took her by the hand, while tears filled the eyes of all.

"Where is pale-face Mistress Hutchinson's daughter?"

"Now she safe. To-morrow I take pale-face-girl to witch-squaw."

"Hush," Frances touched the girl's arm, but the girl had been heard by Lady Moody.

"Pale-face witch-squaw, who is she? I know of no such person in these parts."

"Pale-face witch-squaw in forest, in wigwam. Minatonka's friend."

Frances trembled. Lady Moody glancing, saw her evident embarrassment, while Sir Henry whispered, "Dear heart, what is it; you are pale unto death, and like as if to faint. Who is this witch-squaw?"

"Know you this woman, Frances?"

"Yes, I know her."

"My child, where have you seen her, you who are so closely guarded here in this hamlet?"

"Lily-Pale-Face go with me. The Squaw good—queer," (she touched her forehead).

"She hath a name, what is it?"

"Her name, she says, is Penelope." Frances tried to regain her self-possession. "She liveth alone in the forest."

"Penelope, Penelope," murmured Lady Moody, "I know no one in this land, having that name. Strange, strange. I have not heard the name for many years." Turning to Minatonka, she said, "Fare you well; we thank you for all you have done, and you will ever find friends here in Gravesend."

Minatonka bent her head, kissed the hand of Lady Moody, and then passed out of the door; departing so swiftly and quietly that they hardly knew she had left.

"Frances," Lady Moody's voice was stern, "you must take me to this witch-squaw."





Frances looked down, and left the room. Lady Deborah followed her.

"Can you not speak? I pray you answer me." Frances burst into tears.

"I never before time have seen you so upset or so sorrowful. What is it, child?"

"Faith, I cannot tell you, dear Mother, you who have been to me like an own Mother all these years. I fear the threat of the one who calls herself Mistress Penelope. She threatened your life and mine, if I made known her whereabouts to you or Sir Henry."

"Nevertheless, we will seek out this woman. We will take Sir Henry, and he will protect us, should any thing evil or untoward come to pass. Late, this very afternoon, before early candlelight, Frances, I wish you to conduct us to the witch's hut. I will find out for myself what all this secrecy is. We live in troublous times, and must be ready to face any new danger, or revelation. Tell me Frances, I command you," and the proud woman drew herself up most haughtily. Never had Frances seen Lady Moody assume such an attitude before. "I would know what the witch said, that I may be prepared for the worst."

Frances glanced up into her lover's face, as if to ask him to intervene. But he too regarded his betrothed sternly, saying, "Frances, you must do as my Mother desireth."

"Mistress Penelope, the witch, saith she is my Grandmother a disgraced woman, alone and neglected by all who at one time loved her. She said, Lady Moody, that you and she were great friends when you were girls, and, and, do not ask me to say more. I think her brain is touched. She speaketh of such strange things. Surely Sir Philip Sydney lived long before she was born, and yet she spoke as if he were her lover."

"Sir Philip Sydney." The woman must be mad, in truth. Ah, it is indeed, the friend of my youth. She who married the man I once loved, who treated her husband sorrowfully, and having crazed her brain, was put away by Stephen Whalley. You, little Frances, are the child of that union. I understand, in her madness, she thinketh that she is the beautiful Lady Penelope, the daughter of Walter Devereaux, first Earl of Essex, who



unwillingly afterward, became the wife of Robert, Lord Rich, who had just succeeded to the Peerage. Scandalous things had been spoken of her relation to Sir Philip Sydney, whom she had met at court. She feared her husband, who was in truth a wise man. The dread of her powerful brother Essex hindered him from punishing her in a worse way. The Lady's life was an unhappy one. She became the Mistress of Charles Blount, eighth Lord of Montjoy, and afterward his wife. Sir Philip Sydney had dedicated an ode to her."

"The strange woman repeated a verse of it to me."

"When we were girls together," Lady Moody seemed dreamily looking far back into the past, "I used jokingly to call her Lady Penelope, for all so admired and courted her. Her name was, in truth, Frances Penelope. In reality she was the granddaughter of that same notorious, but beautiful woman."

"My Mother—this insane woman, alone and neglected by all!"

"Come Frances, this afternoon, as I aforetime said, we will visit Mistress Penelope, as she calls herself. I fear no longer, now that I know who she is."



## History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church.

### CHAPTER CXVII

POLITICAL EVENTS—UTAH'S GOVERNORS—AXTELL—EMERY—MURRAY—THE VISIT OF PRESIDENT HAYES TO UTAH—ATTITUDE OF GOV. MURRAY—THE CANNON-CAMPBELL CONTEST—NATION WIDE ANTI-MORMON CRUSADE—PASSAGE OF THE EDMUND'S BILL—THE EXCLUSION OF MR. CANNON FROM CONGRESS.

**P**OLITICAL events in Utah subsequent to the close of Governor Geo. L. Wood's administration, December, 1874, as related to the history of the Church of the Latter-day Saints, now claim our attention.

Governor Woods—a pronounced anti-Mormon, as will be remembered, was succeeded in office of Governor of Utah by Samuel B. Axtell, of California. Governor Axtell arrived in Utah on the 2nd of February, 1875; but his incumbency was to be of brief duration. He was superseded by Geo. W. Emery, appointed on the 8th of June following, so that Axtell held the position of Governor of Utah for about four months. His removal from office was not because he was out of favor with the administration at Washington—Grant's, second term—for at the time he was relieved from his position as Governor of Utah, Mr. Axtell was appointed governor of the Territory of New Mexico, for which place he took his departure from Salt Lake City in mid July of the year that witnessed his advent into Utah.

1. Washington Press Dispatch, 8th June, 1875. Deseret News—Weekly—of June 16th. Also local item *Id.*, p. 313. Also Bancroft's Works, Vol. XVII. History of Arizona and New Mexico, pp. 702-3. His term of Governor ran from July, 1875, to 1878. He was succeeded by Gen. Lew Wallace. Afterwards, viz., in 1882, he was appointed Chief Justice of the Territory.





Governor Axtell obtained his appointment to Utah through the influence of United States Senator Sargent from California. Axtell had lived in California about a quarter of a century; where, for a number of years, he had been "a pick and shovel miner." Six years he had served as county attorney, in one of the new counties, and afterwards represented one of the most populous districts of the state in congress for two terms.<sup>2</sup> Here he formed a close friendship with Captain Wm. H. Hooper, Utah's delegate in congress, at the time; and became both interested in, and informed respecting, Utah affairs.

When he arrived in Utah he was met by Captain Hooper and a party of friends in a special car at Farmington, and escorted to the city. He came to the Territory at the time the McKean judicial crusade was at its height, and when anything like conservatism in relation to Utah affairs was out of the question; for no sooner was such a disposition manifested than it evoked the most violent attacks from the anti-Mormon ring" and its organ the *S. L. Tribune*, which was then supporting the judicial crusade to which reference is made above. In evidence of this it only needs to be pointed out that the fact of Governor Axtell being met by his old friend Captain Hooper, with whom he had served in Congress, and by him accompanied to Salt Lake City, as already described, was made cause of offense by the Utah Anti-Mormon "Ringities," and was sufficient to discredit the newly arrived Governor with them,<sup>3</sup> and led at once to his being

2. See Axtell's account of himself in a speech at Ogden, Feb. 20th, 1875. *Deseret News*—Weekly—of March 3rd, where the speech is given verbatim, a burlesque account of the speech is found in *S. L. Tribune* for Feb. 21st.

3. Asked by the *Salt Lake Herald* why the prominent non-Mormons of Salt Lake City, and especially why the federal officers were so lacking in courtesy as not to go to Ogden to welcome Governor Axtell on his arrival, the *S. L. Tribune*, organ of the Anti-Mormons, including the federal officials, replied that Governor Axtell withheld all knowledge of his movements from his brother officials, "preferring to receive hospitality from a prominent Mormon [i. e. Captain Hooper], and his friends. \* \* \* They have too much self-respect to run a breathless race with the Church leaders in extending hospitality to a man who studiously ignores their existence and was guilty of the gross breach of official etiquette of communicating with a Mormon ex-delegate, who championed polygamy in the halls of congress, instead of making his movements known to the secretary of the Territory and then acting governor. (*S. L. Tribune* of Feb. 19, 1875). A month later, when Judge McKean sentenced Brigham Young to one day of imprisonment for alleged contempt of court, and a petition was circulated asking that the governor exercise executive authority and release him, the same anti-Mormon organ said: "Whether the document reached the Axtellian office or not, we cannot say, but the petitioners received the information from a reliable source that the favor asked for is one of



denounced as a "Jack Mormon"—(i. e., one in sympathy with the "Mormons").

The Governor's first official act brought down upon him a storm of vilification and denunciation that can only be characterized as outrageous. It was the law of the Territory at the time, respecting elections, "that so soon as all of the returns are received, the secretary, in the presence of the governor, shall unseal and examine them and furnish to each person having the highest number of votes for any Territorial office, a certificate of his election."<sup>4</sup> In the election of November, 1874, both Governor Woods and Secretary Black refused to perform this function and give a certificate of election to Hon. George Q. Cannon. They presumed to go beyond the election returns and the mandatory clauses of the statute and pass upon the qualifications of the candidate, as to his citizenship and eligibility. They refused to give Mr. Cannon a certificate on the plea that "no proofs could be produced of his citizenship, and because of reported frauds at the late election."<sup>5</sup> Governor Axtell, however, when appealed to, gave the certificate of election to Mr. Cannon.<sup>6</sup> Commenting upon this act the *S. L. Tribune* said:

"If Governor Axtell has any more surrenders to make to his loving brethren of the Church of Jesus Christ of Latter-day Saints, we would advise him to be quick about it. These cursed Gentile courts with their perverse addiction to the enforcement of the law will be apt to step in and spoil his little game. . . . Sargent [U. S. senator from California] procured Axtell's appointment as governor to build up the dilapidated walls of the Kingdom. His Excellency has set up one stone but it won't stick."<sup>7</sup>

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the few things which the *Prophet's Jack* [meaning Governor Axtell] has not the power to grant, any more than he can drag down the Christian women of Utah to the level of 'best society' [i. e. Mormon society]. So the pardon scheme collapsed." (Editorial, *S. L. Tribune* of March 13th, 1875).

4. Compiled laws of Utah, 1876, section 25.

5. *San Francisco Chronicle*, special dispatch, Feb. 5th, 1875, quoted in *Deseret News*—Weekly—of Feb. 10th.

6. *Deseret News*—Weekly—of Feb. 10th.

7. *Salt Lake Tribune* of Feb. 11th, 1875. The comment on this act continued through a number of editorials in which such statements as these occurred: "One of the conditions agreed upon by Mr. Axtell with delegate Cannon and his corrupt and venal patron [U. S. Senator] Sargent as the price of office, was that his first official act on his arrival in Utah should be to issue his certificate to the alien churchman and mail it to him at Washington. . . . We require no further evi-



Yet Governor Axtell could not be regarded as an especially pro-Mormon governor. He simply aimed to be an impartial one; and, as he often expressed it in public speech and other wise, "His interpretation of the duty of a governor was to be the governor not of a part, but of the whole people."<sup>8</sup>

In a speech delivered at Ogden shortly after his arrival in the Territory he said::

"I come to Utah, appointed by the government of the United States as the chief executive officer of the Territory; and so far as I am capable of judging of my own motives, and so far as I know my own determinations, I have not come as the favorite of any particular faction or set of men. I am determined to be a governor, not of a section, but of the whole people. Whether I can win your love or friendship, I do not know; but I intend to try to do my duty, and I believe that I can act so as to deserve the respect of all good men and women of this Territory.

There are certain great, cardinal principles which should guide the politics of the nation. Among these are the right of local self-government; the idea that governments are instituted amongst men for the good of the governed; that governments derive all their just powers from the consent of the governed; that they are expected to aim to make men and women happy, to preserve life and property and personal liberty; that for this purpose governments are instituted, and that they are worthless if they fail to accomplish this end; that we owe, all of us, obedience to the law, and allegiance to the government. And allow me to say that, as a representative of the federal government of this country, I earnestly believe that it is for the good of every man, woman, and child of this Territory, and in

dences of Governor Axtell's hostility to the cause of progress in Utah and the best interest to its citizens. He may show his perverse tastes by surrounding himself with the Nauvoo Legion on his arrival in this Territory [this because Gen. Wells, then Mayor of the city, and John R. Winder, were of the Hooper party that met the Governor at Farmington and accompanied him to the city—they had been officers of the Nauvoo Legion], he may utter his stale platitudes about the persecution of the innocent Mormon leaders; . . . but when he hastens to abuse the power unwisely committed to his hands and before the dust is brushed from his garments by commissioning men whose lives are notoriously flagitious, and whose avowed purpose is to maintain and perpetuate ecclesiastical rule, we candidly inform the gentleman that such official turpitude will not be calmly submitted to, and that he will excite a feeling in the minds of the loyal citizens of Utah which will render the political atmosphere so warm as to be uncomfortable." *Tribune* of Feb. 12th, 1875. Such attacks, only worse, continued so long as the governor's brief term of office in Utah lasted.

8. *Deseret News*—Weekly—of July 28th, 1875, speech at Ogden on leaving the Territory for his new post of duty in New Mexico.





all the United States, that the laws of the land should be strictly obeyed; and I have that confidence in the great man who presides at Washington to believe that he will see the laws enforced, and the law officers and their courts sustained, and their decisions carried into effect, whether in Louisiana or Utah, if it requires that a soldier should stand on every square foot of land in this Territory. The laws must be obeyed.

It is well understood what I mean. There is, in this country, perfect toleration for the religious sentiments of all men, and freedom to worship God according to the dictates of their own consciences, in obedience to the law. I mean the written law, the law enforced by the courts, that bears equally upon all, that knows no favoritism and no distinction."<sup>9</sup>

The plain allusion here to polygamy and the enforcement of the existing laws against it, precludes the idea that Governor Axtell had any intention of condoning that statutory offense, or of championing the "Mormon" view of things in any partisan spirit. Yet because he would not unite with the "Ringites" in their anti-Mormon crusade, they heaped opprobrium upon him to the extent of their vicious abilities, and these were not lacking in either evil scope or power.<sup>10</sup>

When General Garfield made a visit to Utah during the brief incumbency of Mr. Axtell as governor, and was the guest of the latter and some prominent churchmen, when the governor accompanied the General to Ogden the *Tribune* in a news item under the caption—"Lost Their Man"—said:

"Bishop Axtell at the command of his Master Brigham, accompanied Gen. Garfield, to see the stalwart Babylonian fairly

9. From verbatim report in *Deseret News—Weekly*—of March 3d, 1875. This speech was sneeringly and inadequately reported by the *S. L. Tribune*, see impression of Feb. 21st, 1875.

10. As the *Deseret News* said when the telegraph announced that Axtell had been superseded and referring to the "Anti-Mormon Ring—" "They have misrepresented him without stint, lied about him shamefully and persistently, and announced from the first their intention of effecting his removal if possible. The sole reason for all this vicious and brutal opposition was that he did not rush eagerly into their open arms, he hail fellows well met with them at once, and with gusto swallow all their lies about the "Mormons," and adopt the violent, bitter, and baseless prejudices of the Ring against them. Because the governor dared to meet some of the prominent Church leaders socially, his detractors said: 'Gov. Axtell finds himself received by the polygamous saints, but in his efforts to harmonize the two religious elements has been spewed out with nausea by Gentile society. No man can serve two masters, neither can the sons of darkness be found worthy to mingle with the children of light.'" Salt Lake Tribune, Editorial May 27, 1875).



on his way homeward. The shrewd statesman (Garfield) allowed himself to be dined and wined by the gushing Mormon priesthood, including the latest acolyte, Bishop Axtell; but he kept his eyes open and goes back home with a pretty clear comprehension of the whole unclean outfit. The hook they designed to fix in his jaws missed its hold and the victim failed to reach the basket."

So the abuse continued to the end, for when announcement of Axtell's removal came, the organ of the "Ringites" went into hysteric delight expressed through display head-lines in their organ, the *S. L. Tribune*.<sup>11</sup>

The fortunes of Governor Axtel much improved in New Mexico where both as governor of the Territory and chief justice, he was very satisfactory. He had a very honorable career, and is spoken of in the History of New Mexico as a man of high principles and absolutely without fear."<sup>11½</sup>

It was said by the Washington correspondent of the *N. Y. Herald*, that Mr. Axtell was made governor of Utah "with the understanding that he would carry out the President's (Grant's) policy with regard to Mormonism," that subsequently his "official course indicated that he was directly opposed to the President's policy," and consequently he was removed to make room "for one who, this time, is known to be in accord with the President in the government of the Mormon Territory;" and that as Governor, Mr. Emery "will undoubtedly be supported by the administration as its exponent in the conduct of the affairs of

11. These were the head lines in heavy display type over special dispatch making the announcement of removal:

"*Utah Relieved from the Great Incubus at Last.*

"*Axtell Removed and Geo. W. Emery appointed Governor.*

"*The Bishop to take a Mission to the Land of the Greaser.*"

And on the local page these were the headlines:

HALLELUJAH!

"*Bishop Axtell to step down and aside!*

"*The Federal Government has not yet abandoned us.*

"*The chief obstacle to Utah's Progress obliterated.*

"*Now Let the Glorious work go on with Renewed Vigor.*

"*There's millions in it for the citizens of Utah.*

"REJOICE! REJOICE! REJOICE!"

Salt Lake Tribune, June 9th, 1875.

11½. See "Leading Facts of New Mexican History," Vol. II, p. 419, where an extended biographical note and character sketch is given of Gov. Axtel. The work is written by Ralph Emerson Twitchel, Vice President of New Mexico Historical Society—1912—two volumes.



the Territory of Utah.”<sup>12</sup> This statement so far as it relates to Mr. Emery is supported by what that gentleman said to Mr. Orson F. Whitney, who declares in his *History of Utah* that Governor Emery while on a visit to Utah in 1893 stated to him that his course in Utah as governor was conformable not only to his own feelings, “but to advice given him by President Grant while at Salt Lake City.” “The President had transferred Governor Axtell to Arizona,” continues Whitney, to appease the clamor of the Anti-Mormons, but it was not his wish that Axtell’s successor should take them as his advisors. ‘Deal justly between man and man, avoiding all extremes’ was the substance of Grant’s counsel to his friend.”<sup>13</sup>

This represents quite a different Grant from the bitterly prejudiced, Parson-Newman-dominated Grant of a few years before, and gives warrant to full belief in the statement of Governor Emery—before noticed in these pages<sup>14</sup>—that Grant considered after his visit to Utah, that he had previously been deceived by his advisors in respect of Utah conditions.

Governor Emery undoubtedly followed the advice of President Grant in his administration of Utah affairs: for while in his social intercourse he mainly consorted with the Gentile element, he refused to join in any crusade against the Church of the Latter-day Saints, and the Territory had a period of comparative peace during his administration. In his two biennial messages Governor Emery recommended a number of practical legislative measures respecting the improvement of the irrigation, education, and election laws; also as to civil procedure and a criminal code, compilation of the laws of the Territory, etc.<sup>15</sup> Some of these suggestions were acted upon resulting in a very great improvement in the civil affairs of the Territory.<sup>15½</sup> In

12. Quoted in *Deseret News* of July 7th, 1875.

13. *Hist. of Utah*, Vol. III, p. 118, note.

14. See Chapter CXIV.

15. The Governor’s first message, in full, Jan. 11th, 1876, will be found in *Deseret News*—Weekly—of Jan. 19th, 1876; and his second message, Jan., 1878, is published in full, *Deseret News*—Weekly—Jan. 23, 1878.

15½. Among the beneficial laws enacted was the amendments to the election laws, by which the marking of ballots was abolished, and the absolute secret ballot secured. The old law, in operation since 1853, provided that when a voter presented his ballot neatly folded to the Judge of election, the Judge should “number and deposit it in the ballot box; ‘The clerk,’ said the law, ‘shall then write the name of the elector, and opposite it the number of his vote.’” This, on the part of





both his biennial messages Governor Emery urged the passage of legislation against polygamy, but in this he could get no support from the representatives who believed in the rightfulness of the principle and practice which they were asked to legislate against and make a crime.<sup>16</sup>

the framers of the law, and those who in later years accepted their views, was in the interest of the honesty of elections, since in the event of a contested election it would be possible to ascertain if the votes cast were the votes of bonafide electors—a thing held to be necessary where there was always so large a transient population as in Utah, owing to its being the half-way halting place for emigrant trains during the pre-railroad period. (See Editorial in *Deseret News*—Weekly—of Feb. 27, 1878). On the other hand, it was held that the marked ballot system was regarded as "Espionage, enabling the officer of election, if so disposed, to tell how each person voted." It was also urged that the right of suffrage should carry with it "the right to exercise that suffrage . . . without the possibility of being called to account for his choice of candidates, or experiencing unpleasant consequences." So argued Governor Emery in his message of January, 1878, before cited. Two years before, when urging the adoption of the secret ballot, and referring to the old ballot-marking law, he said: "This law is regarded as inimical to republican government, and in the interest of the Church, so potent in Utah, and leaves its members no choice but to vote the ticket prepared for them. I recommended the law be so amended as to secure a secret ballot. (*Deseret News* for Jan. 19, 1876—p. 8to.) The passage of the new law disarmed criticism both within and without the Territory. Minority party representation among the judges of election was provided for, and also the pre-election registration of voters. (1878).

During Emery's term of office a civil practice act was passed (1876) also a new penal code (1876). In respect of the Penal Code, because Gov. Emery approved it, he was quite generally berated by the press of the country as he was accused by his enemies with having been a party to the repeal of the law "punishing adultery, seduction, fornication and lewd and lascivious cohabitation"—the local law under which McKean *et al* had tried to punish men for polygamous cohabitation (with what result has been already seen. Chapter CXI, this Hist.) The facts in the case were that a penal code was adopted from the California statutes, but few changes being made in that text, and the new act receiving the approval of leading lawyers in Utah, Gentiles as well as Mormons, it was passed by the legislature and approved by the governor. But it did repeal the old statute referred to, hence the outcry against Gov. Emery. Of course the new law defined and punished such sexual crimes and lewdness indecency as the California statute provided for. Among these are named crimes against the person and against public decency and good morals; these are grouped in title IX., and treat of rape, abduction, carnal abuse of children, seduction, abostion, the crime against nature, indecent exposure, obscenity, prostitution, houses of ill-fame, offences against public morals; but it must be conceded that in express terms there was no specific clause against adultery, incest, or fornication. (See Compiled Laws of Utah, 1876, Penal Code, and *Deseret News* Editorial—in Weekly—of Dec. 24th, 1879).

16. "I am sensible how delicate my duty becomes under existing circumstances," said the Governor in his message of 1876, "when the gentlemen whom I have the honor of addressing, with a single exception, believe in and many practice it [i. e. polygamy] from a sense of professed religious right. It appears to me and must be apparent to all, that the law should be expunged from the statutes, or made operative. It will be gratifying, if this body shall enact such legislation as will prevent its extension, and will adopt such measures as look to a fair and impartial settlement of this subject, as it affects the past. We should remember gentlemen, that Utah is not a secluded portion of the United States, that this Territory was acquired from a foreign power, like other parts of the country, with money, and by the valor of American arms, that the distance and the deserts have been annihilated by the construction and operation of the Pacific Railways, that



It was during Governor Emery's administration that both the first and second trial of John D. Lee for participation in the Mountain Meadow Massacre, took place; also his execution for his part in that crime. The first trial began in the 2nd judicial district, at Beaver City, Southern Utah, on July 23d, 1875, Jacob S. Boreman, Judge. The trial had been set for the 12th of that month originally, but owing to the absence of some witnesses, and also owing to the fact that the accused man had promised to make a full confession and thus turn State's evidence. It is said that in this confession the prisoner detailed minutely the plan and circumstances of the crime; but he traced the source of it to no higher authority in the Mormon Church, than to the local leaders of the Church in Iron County, John M. Higbee and Isaac C. Haight, taking a prominent part, in the tragedy which he declared was committed in obedience to military orders. The "confession" was a great disappointment to the prosecution, since it involved none of the higher officials of the Church of the Latter-day Saints, whom the prosecution assumed were guilty of issuing the orders for the massacre.<sup>16½</sup>

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today we are as much an integral part of this great republic as any other section, and that we are bound, as good citizens, to obey the laws of our common country, whether they are in accordance with our views of justice or not, otherwise we ignore the constituted authority, and place ourselves beyond the pale and protection of government." (*Deseret News—Weekly*—of Jan. 19th, 1876).

<sup>16½</sup>. "The last was the very point that the prosecution desired to establish, its object compared with which the conviction of the accused [John D. Lee], was but a minor consideration, being to get at the inner facts of the case. The district attorney refused therefore to accept the confession on the ground that it was not made in good faith." (Bancroft's Hist. of Utah, p. 565). See also Baskin's Reminiscences, Ch. X. Mr. Baskin assisted prosecuting attorney William C. Carey, who was United States district attorney for Utah at the time, and it is quite clear from the chapter, of the Reminiscences here cited, dealing with the massacre and Lee's trials, that the chief effort of the prosecution at the first trial was to implicate Brigham Young in its perpetration. "Excerpts of Lee's confession" referred to above, as rejected by the prosecution, appears in "The Lee Trial" published in pamphlet form by the S. L. *Tribune-Reporter*—1875. Also in the S. F. *Call* of July 21st, 1875; and the S. F. *Bulletin*, same date. Bancroft says that the "Lee Trial," by the *Tribune-Reporter*, seems "unduly anxious to cast the onus of the charge [i. e. of responsibility for the tragedy] on the First Presidency (i. e. of the Mormon Church. See Hist. of Utah, p. 565—note 47). Lee after his conviction and while awaiting the execution of his sentence made another "confession," which was intrusted to one of his attorneys, W. Bishop, for publication. After Lee's execution it was published under the title, "*Mormonism Unveiled*," M. E. Mason, publisher, St. Louis, 1891. It is an Autobiography and covers the whole of Lee's life up to the time of his death, and includes his account of the massacre. It is a volume of 413 pages. The publishers state that several pretended "Lives and Confessions of John D. Lee" had been published, but claim that theirs, the Ms. of which was obtained from Mr. Bishop, is the only genuine one. pp. V, VI. See also introduction by Bishop.



The jury at the first trial was composed of eight Mormons, three non-Mormons and one "Jack Mormon." The jury disagreed,<sup>16½</sup> and Lee was remanded for a second trial. This began on the 13th of September, and continued until the 20th, 1876, Judge Boreman again presiding. The prosecuting attorney at this trial was Sumner Howard, assisted by Presley Denney, deputy U. S. attorney. Lee was represented by Wells Spicer, J. C. Foster, and W. W. Bishop.<sup>16¾</sup>

The attitude of the prosecution was changed at this second trial. The United States district attorney, Sumner Howard, in opening the case before the Court declared it to be his intention "to try John D. Lee, and not Brigham Young and the Mormon church, who were not indicted. He intended to try John D. Lee for acts committed by Lee personally."<sup>16¾</sup> The jury selected was composed entirely of members of the Church of the Latter-day Saints.<sup>16¾</sup> The evidence was convincing, the defense submitted no testimony; and when the case was submitted to the jury, after more than four hours' deliberation they brought in a verdict of guilty of murder in the first degree.<sup>16¾</sup> The court overruled a motion for a new trial. The case was then appealed to the supreme court of the Territory and argued by Hon. Frank Tilford and Sumner Howard for the people and W. W. Bishop for Lee. The courts sustained the judgment and sentence of the trial court, and directed said court to fix a day for carrying the

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<sup>16¼</sup>. Baskin declares that the three Gentile jurors voted for conviction, that the Jack Mormon and the eight Mormons voted for acquittal, *Reminiscences*, p. 138.

<sup>16½</sup>. In the list of the attorneys for the defense at the first trial of Lee, it is represented by Baskin that Messrs. Southerland and Bates were "attorneys for the First Presidency," and cites in evidence that Mr. Bates employed him to bring suit for the collection of fees due to his firm (\$5,000). The claim being thrown out on demurrer proceedings, Bates instructed Baskin to bring suit against Brigham Young for the amount alleged to be due; but before suit could be planted, "I ascertained," says Mr. Baskin, "that he had entered into a written marriage contract with a 'doctress' and they had left the Territory." *Reminiscences*, p. 114. Since the Church or its leading officials, were the parties really attacked in that first trial, it could not be out of place for them to be safe guarded, at least, by the presence of counsel at the trial. Bancroft also says that "Southerland and Bates represented the First Presidency" (*Hist. of Utah*, p. 565, note 46).

<sup>16¾</sup>. Report of Lee Trial in *Deseret News Weekly*—of Sept. 20, 1876, p. 544.

<sup>16¾</sup>. Their names are as follows: Wm. Greenwood, John E. Pace, A. M. Farnsworth, Stephen S. Barton, Valentine Carsen, Alfred J. Randall, James S. Montague, A. S. Goodwin, Ira B. Elmer, Andrew A. Correy, Charles Adams, Walter Granger."

<sup>16¾</sup>. A full account of the trial will be found in *Deseret News—Weekly*—of Sept. 20th and 27th respectively, 1876.





judgment into effect. The prisoner having chosen shooting as the method of his execution, the court fixed the 23rd of March, 1877, as the day for carrying out the sentence. To make the execution as spectacular as possible it was determined by the U. S. officials to carry out the execution on the site of the prisoner's awful crime, the Mountain Meadows. Accordingly on the day fixed by the court, he was taken to this place; and in the presence of a military guard, and a number of U. S. civil officers he was shot to death, and thus paid the penalty of his crime, so far as suffering the penalty of death could pay it.<sup>16</sup>

The awful crime committed at Mountain Meadows, has been already fully considered in these pages (chapter LXXXVI) and precludes the necessity of further treatment here.

To the people of Utah, all things considered, Geo. W. Emery was a satisfactory governor; but to the Anti-Mormon party he was not sufficiently pronounced in support of their opposition to the Church of the Latter-day Saints, and though a candidate to succeed himself as governor of Utah he failed to secure the appointment. The Utah legislature in compliment to him, and after the close of his term of office, named Emery county in his honor.<sup>17</sup> "An honor and mark of respect," said the *Salt Lake Herald*, "bestowed upon none of his predecessors. This little courtesy is significant as showing that the efforts of a federal official here to do right are appreciated."<sup>18</sup>

<sup>16</sup>§. In the *Denver Republican* of 30th April, 1882, appears a long article by former U. S. district attorney for Utah, Geo. C. Bates, in which he alleges that up to the last moment arrangements were made for the escape of Lee from execution. He alleges that arrangements were made for Lee to make a confession that would implicate the Mormon Church leaders; that a "fake" execution was to be performed, the executors firing blank cartridges and Lee after a mock burial was to be allowed to escape. Bates it seems had fallen into intemperate habits in the later years of his life, and deteriorated in character. His slanderous inventions about the escape of John D. Lee from execution by the connivance of the U. S. Marshal, William Nelson, *et al*, was promptly refuted by Mr. Nelson in a letter to the *Denver Republican* on the 3rd of May, 1882. He declares the Bates article to have been grounded on personal malice, and unworthy of belief; and rebukes the Editor of the *Republican* for publishing "such scandalous and baseless charges against any body on such worthless authority." Mr. Nelson's letter will be found in *Deseret News—Weekly*—of May 24, 1882. Yet in the "Hand Book on Mormonism," published in 1882, by Coyner, this same man Bates then debauched and fallen, is quoted as to social conditions among the Mormons, see Hand Book, p. 22.

<sup>17</sup>. See proceedings of Utah Legislature, 1880. The bill was signed by Acting Governor Arthur L. Thomas, Feb. 12, 1880. Castle Dale was made the county seat. Emery county is noted as an agriculture and mineral district, rich in natural wealth and resources.

<sup>18</sup>. *Salt Lake Daily Herald* of Feb. 13, 1880.



The office of governor of Utah was given to one Eli H. Murry, a Republican of Louisville, Kentucky, and said to be the "handsomest man in the state."<sup>19</sup> There were "forty applicants" for the position a short time before Murry was appointed.<sup>20</sup> He was President Hayes personal selection, and the appointment was made "against the wishes of every cabinet officer."<sup>21</sup>

Eli H. Murry who was nineteen years old when the war between the states broke out, joined the Union army as a private, but rose rapidly in the service until at the close of the war he had reached the rank of brigadier general. He had served six years as U. S. Marshal of Kentucky; and by profession he was a lawyer. Accompanied by his wife and two children the Governor arrived in Salt Lake City on the last day of February, and the next day took the oath of office before Chief Justice Hunter.

The people of Utah were not left long in doubt as to where Governor Murry would stand in local Utah controversies. Indeed there never was any doubt from the time the circumstances attendant upon his appointment were known. The fact was that President Hayes had personally determined upon a hostile policy towards the Church of the Latter-day Saints, one more result of that fierce Anti-Mormon agitation of the late "seventies" already noticed.<sup>22</sup> That such was his determination became evi-

19. "Murry is known as the 'handsome man of Kentucky.' He was removed from his position as (U. S.) Marshal of Kentucky." N. Y. *Tribune* Washington special dispatch, of Jan. 19, 1880. Referring to his reputation for manly beauty, a Salt Lake paper said: "We trust his excellency will have something more than this to recommend him to the position of Governor. 'Pretty men' are not appreciated in the West." *Deseret Evening News*, Jan. 20, 1880.

20. Salt Lake *Herald*, Dec. 12, 1879.

21. Washington Special to N. Y. *Tribune*, cited above, note 16.

22. In the Congressional session of 1879 Anti-Mormon measures were introduced so rapidly that one trod upon another's heels, so fast they followed. Here in brief, is the record: In the House Mr. Thomas L. Young, on the 2nd of December, introduced a measure the purpose of which was to make plural marriage "a continuous offense." Heretofore it was the polygamous marriage that was declared to be the crime, not the cohabitation following. On December the 15th, Mr. Willits introduced three bills on this same subject. The first provided for the exclusion from juries, in cases of trials for bigamy or polygamy, all persons who practiced that order of marriage," or believed in its rightfulness." The second Willits' bill was similar to Mr. Young's, referred to above, with the addition that in sustaining a charge against any person for polygamous living, no proof of marriage would be necessary; "proof of the mere acknowledgment of the party on trial of the relationship would be sufficient. The third bill provided that no polygamist, nor any person who believes in the rightfulness of that kind of marriage shall be permitted to vote or to hold any political office. ("No provision was made for



dent when in his message to congress in December following—1880—he made such recommendations of special legislation for Utah as made all other procedure in respect of the Utah or “Mormon” question pale into insignificance. This was nothing less than the abolishment of the Territorial government and the substitution of government by a governor and a legislative commission appointed by the President of the United States, and confirmed by the senate; “or a government analogous to the provisional government established for the territory northwest of the Ohio, by the ordinance of 1787. If the Territorial government was to be continued then the President recommended that “the right to vote, hold office, and sit on juries be confined to those who neither practice nor uphold polygamy.”<sup>23</sup>

This recommendation on the part of President Hayes was all the more disappointing because during the late summer of 1880, —September 5th, 6th—the president with Mrs. Hayes, Mr. Ramsey, secretary of war, General Sherman and other ladies and gentlemen visited Salt Lake City, and it was hoped that his coming into contact with the people might correct the President’s judgment on Utah affairs. It may well have been, however, that this visit under the conditions prevailing when it was made, and the President’s association with the anti-Mormon party while in the city—deepened his prejudices, and led to his deter-

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the exclusion from any right or privilege of citizenship of any person who might be living with any number of women *without marriage*,” was the caustic Mormon criticism of this bill.) Later, namely, on January the 20th, 1880, the same gentleman added yet another bill, prescribing the registration oath to be taken by the applicant for registration, to the effect that he did not practice, or *believe in the practice* of polygamy. It aimed at the disfranchisement of the Latter-day Saints of Utah. In February—the 11th—Mr. Garland introduced in the House a bill which incorporated nearly all the features of the previous bills, but provided for legitimatizing of all children, the issue of plural marriages, born “before the first day of November, 1879.” On the 10th of December, 1879, Mr. Julius Carsar Burrows introduced an Amendment to the Constitution of the United States providing that: “Polygamy shall not exist in the United States or any place subject to their jurisdiction: congress shall have power to enforce this article by appropriate legislation.” For all of above measures see Congressional Record, *passim*, for December, January, February, 1879-80, and *Mill. Star*, Vol. XLII, pp. 330-3.

23. These recommendations of the message followed a recital of conditions supposed to exist in Utah that justified them. The recital, however, was neither accurate nor just, since it took no notice of the Constitutional rights of the Utah community to local self government, nor of those circumstances which drove the Latter-day Saints to that defensive policy which gave some color to the charge of “church dominance” in political affairs. See Messages and Papers of the Presidents, Vol. VI, pp. 605-6.





ination to make the recommendations of his subsequent message to congress.

The arrival of the Presidential party occurred on Sunday, so that on the part both of the President's party and of the people among whom they had come, there was laid the necessary restraints of the day. Still there was a meeting of the presidential party by special train of prominent leaders of the Church of the Latter-day Saints, among whom were President John Taylor and wife, Hon. Geo. Q. Cannon, Utah's delegate to congress, D. H. Wells and wife, and many others, as well as Governor Murray's party which met the President at Weber Station east of Ogden.<sup>24</sup> The special train of the "Mormon" party was cou-

24. The City council as usual when a distinguished guest was expected, made arrangements to receive the President with civic honors, and tendered to him the hospitality of the city. The usual committees on reception, arrangements and resolutions, etc., including gentlemen of all parties, and the military officers of Camp Douglas, were appointed, and the President's party was notified of these arrangements by wire at Washington. Failing to get response from that point the same word was sent to Chicago, only to be answered from there that by "prior arrangements" the President was to be the guest of the Governor, but expressing the hope that the state and municipal authorities were "acting in concert." Unfortunately they were not doing this; for Governor Murray had organized a reception committee "composed of only one class" into which no "Mormon" was admitted, and sought to take possession of the Presidential party. However, prominent "Mormon" citizens of Salt Lake, set these annoyances and slights aside, and honored the chief executive of the nation during his visit in Utah as described in the text.

Relative to the unfortunate failure on the part of the federal officers of Utah to accord participation in the reception of the President's party while in Salt Lake, a dispatch, very misleading, was sent from Salt Lake City to the Eastern press, as follows:

"Salt Lake.—The Mayor and Council secured a special train for Ogden and arranged to receive Hayes, notifying him on August 25th. Gov. Murray organized a reception party, excluding Mormons. Last evening the Mayor received a telegram from the President that he would be the guest of Governor Murray. The municipal authorities are very indignant and resolved not even to call on the President, claiming that they had been insulted. Only Gentiles and rabble among the Mormons will show themselves. Hayes arrives Sunday, leaves Monday evening."

On this the *Deseret News* made the following comment: "That is after the usual style of press dispatches. We are happy to say that there is no "Mormon" rabble, and we are of the opinion that while the municipality cannot consistently join in any public demonstration, many influential citizens in a private capacity will call on the President and make his acquaintance. We hope the visit of the President and party will be pleasant and agreeable, and that among other memorable events occurring on his trip to the Western coast will be his brief sojourn in the capital of Utah Territory." (*Deseret News*—Weekly—of September 8th, 1880).

On departing from Salt Lake three special cars were coupled to the President's train of four cars in which rode a party of prominent citizens chiefly dignitaries of the Church of the Latter-day Saints and men prominent in business in Utah. Shortly after leaving Salt Lake City President Hayes entered the rear cars and after shaking hands with all, took a seat near President John Taylor and remained conversing with him until the train neared Ogden. "The conversation was on a



pled to the presidential train, and *en route* for Salt Lake City there were pleasant greetings and exchanges of visits including a reception of the ladies of the "Mormon" party by Mrs. Hayes in the President's car. There were greetings by the people at the stations where the train was halted *en route* from Ogden, and at Salt Lake City with their teachers and other citizens thousands of Sunday school children lined the streets from the depot to the Walker House where the President's party was entertained. From the portico of the hotel Governor Murray introduced to the waiting crowds the President, Mrs. Hayes, Secretary Ramsey and General Sherman. All excused themselves from any attempt at speech-making beyond a few words of acknowledgment of courtesies received and expressions of pleasure at being in the city. General Sherman, however, who had several times before visited the city, and was accounted a very good friend of her people, went a little beyond this and ventured to say:

"An old philosopher remarked, before any of us were born, that he who made two blades of grass to grow where only one did before was a public benefactor. Now, the people who have made the pears and apples, and the peaches and the wheat and clover and the grass to grow, when but a short time ago there was nothing but the sage-brush to be seen, are entitled to our thanks as public benefactors."

Then came the following declaration:

"The President will in due time on all proper occasions recognize your kindness to him—not here but elsewhere; for he takes notes of everything as he goes along, and he is so familiar with the history of this people, that when the time comes that he can say a kind word for you, he will do it. (Great applause)."

This, in view of what the President did say of the people of Utah three months later, in his message to congress, and the

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variety of topics, secular and religious, mostly pertaining to Utah, and at the close President Hayes on rising to leave shook hands warmly with President Taylor assured him that he had much enjoyed the interview, and for himself and associates declared that the impressions received during their visit to Utah had been of the most favorable character, and as such would long be remembered. Mrs. Hayes also left her car and entering the others at the rear of the train, held extended conversations with several of the Mormon ladies." (*Deseret Evening News*—Daily—of Sept. 7th, 1880).



recommendations he made in respect of revolutionary measures as to their Territorial government, and the proposed striking down of their political rights, sounds like irony, though the sincerity of General Sherman in making the remark is beyond question.

Returning to Governor Murray and his attitude in relation to the dominant Church it may be said again that the people were not left long in doubt as to where he would stand with reference to local parties and questions. A "Gentile" celebration of the 4th of July was planned under the direction of the Governor in which no "Mormon" was invited to participate. There was a parade,<sup>25</sup> small but witnessed by many spectators; an open air meeting was held at Washington Square, at which the Governor presided, and made the opening speech; Parley L. Williams, a young Salt Lake lawyer, was the orator of the day, and delivered a set speech.

Governor Murray in his introductory speech dealt chiefly in *innuendo*, but was sufficiently clear to be understood, and sufficiently coarse to be insulting to the people. "Those who believe in the divine right of kings, those who would keep their fellow men in ignorance and bondage," began the first thinly veiled attack upon the Latter-day Saints of Utah—"those who would rob the fruits of honest toil, those who would subordinate state to Church, grumblers, and traitors, do not and cannot enjoy Freedom's Day." After this the Governor grew bolder:

"The tree of liberty planted in 1776 has grown with our days, and strengthened with the years, until its spreading branches

25. *Deseret News*—Weekly—of Sept. 8th, 1880. To the above remark he added further—"all that I want to say this Sunday afternoon is this: Go on as you have begun, make homes for yourselves and your children and be half as good as you know how to be, and you will be good enough for this or any other valley." (Applause.)

26. The parade was not altogether creditable if one may accept the chronicle of the times: "It was the first non-Mormon Fourth of July celebration ever attempted in Utah. The procession was small, but was witnessed by a large number of people. . . . Linked in with Federal officials, preachers, reformers and Christian regenerators of the "deluded Mormons" were the most notorious of the "Cyprians" of this western region, in open barouche, placed in line of the invited guests, between the carriages of those whom we have named and the vehicles of other well-known citizens! The officers who represent this "civilization" ahead, and in their wake a display of prostitutes, beer drays, liquor wagons, cigar trucks, etc., a fitting illustration of the history of official work for the reformation of the "Mormons!" (*Deseret News*—Weekly—July 7, 1880).





reach from sea to sea, broad enough to shelter all patriots, native born or naturalized. Further shall I say, and rich enough in timber to construct scaffolds and coffins for all those who may treasonably conspire to break down our constitution and to violate its written laws. The people of this country propose to remain free forever. No state will be wiped out. No star obliterated from our national flag. Upon the other hand, no new State will be formed, no new star placed upon the folds of our flag, until the people it represents come with the badge of freedom upon their breasts. Free to think for themselves. Free to act for themselves. Free from all kingly and priestly dictation in civil affairs—a liberty loving, law-abiding people who, with 'their lives, their fortunes and their sacred honor,' will defend this government, our precious blood-bought heritage—the pride of a loving, loyal people. Utah shall be free—and then, and not till then, a state. The shackles that bind so many of her good and too-confiding people to the superstitions of a dead past, will, by their own acts, their own words, be broken."<sup>27</sup>

In order to put in contrast with this "Gentile Celebration" the "Mormon" way of doing a similar thing, a very elaborate celebration of the 24th of July was determined upon for this eventful year, 1880, by the Latter-day Saint community. Invitations were sent to the federal officials to participate in the celebration of Utah's Pioneer day, and notes of acceptance were generally received by the People's invitation committee from these gentlemen. The one from Governor Murray being especially gracious; "The Pioneers, in opening up the great west and this beautiful valley," said he, "made a definite demand on history for honorable mention. There deeds of daring about the camp fires of wandering want, challenge the sympathetic admiration of all who read the story. . . . I accept the invitation, and will be pleased to join you in my own carriage, at such hour as you may name."<sup>28</sup>

Notwithstanding this acceptance on the part of Governor Murray and other federal officials, and notwithstanding nothing had occurred to offend them, or justify their withdrawal from their acceptance, none of them took part in the celebration or even

27. *Deseret News*—Weekly—of July 7th, 1880.

28. Whitney's Hist. of Utah, Vol. III, p. 107, where the Governor's letter of acceptance is given in full.



appeared on the scene unless as spectators; and it could not be other than a concerted action on their part, after consultation had upon the subject, to stay away, lest the "Mormons" should appear in too favorable a light before the country.<sup>29</sup>

The "Mormon" celebration of Utah's Pioneer Day was a marked success. The procession itself was three miles in length. At its head were five wagons in which rode the surviving band of pioneers of 1847, the first wagon, drawn by eight horses—preceded by two horsemen—carrying the surviving leaders of the company.<sup>30</sup>

The whole procession was said to be a "grand and beautiful display." The Historical events in the Church of the Latter-day Saints were featured, as also their present organizations and activities; there were also featured the landing of the Pilgrim Fathers, the Drama, and other arts, Education,<sup>31</sup> Agriculture, Manufactures, the Trades, the Pony Express of 1860-1861,<sup>32</sup>

29. Such the suggestion of Whitney. "It certainly would have been in striking contrast to their partisan celebration [i. e. of the 4th of July], and would have placed the Mormons in a more favorable light than their opponents desired them to appear. 'Mormon Exclusiveness' had ever been a favorite anti-Mormon theme, and anything which tended to show that the Saints were not as black as they were painted was foreign to the interests of those who felt it their political and religious duty to make war upon them." (Ibid).

30. These were Orson Pratt, Erastus Snow, John Brown, Wilford Woodruff, C. C. Rich, Joseph Young, Thomas Bullock A. Carrington, H. K. Whitney, Aaron Farr, Zeebede Coltrin, T. O. Angel, and Thomas Grover; the horse men on lead were Jacob Weiler and John Pack. See pamphlet, Celebration Pioneer Day, 1880, p. 6.

31. This was a splendidly decorated car, containing five ladies personifying respectively Religion, History, Geography, Science and Art. "The first (Religion) occupied a platform in the middle of the car. She was dressed in white, with a silver star on her forehead, her elbow resting on the Bible, and in her hand was a palm leaf. History was appparelled in gold, and stationed at one of the corners surrounded by books with a scroll and stylus in her hand. In another corner dressed in green, with a globe at her side, sat Geography. Science also occupied a corner, as did Art, the former robed in blue, holding a telescope and surrounded by other scientific instruments; the latter was in pink attire, with palette, easel, sculpture, lyre, etc., around her. Near by were four children, two looking at a picture book, and on the other side two larger children studying natural history and botany. This car was one of the finest displayed. Behind it were carriages containing small children with books in hand, and the inscriptions "Our Schools," and "The Road to Greatness." School trustees and teachers, and the committee on education followed in vehicles bearing banners with the sentiments, "*A Free People Must be an Educated People*," and, "*Our Nation's Prosperity Lies in the Education of Her Children*." While it is said that "this car was one of the finest displayed," still the whole pageantry was drawn upon this high order of doing things. And a number of the subjects were much more elaborately treated, especially the Drama and the 1620 Pilgrim tableau car.

32. Riding in this division were four of the original riders, viz, Nels Empy, W. F. Fisher, Erastus Egan, and George Hanks.



the Telegraph, the Press. Then followed contrasted representations of Utah in 1847 and in 1880. The first was a "veritable log cabin-occupants in primitive attire, with rude furniture and surroundings; the Patten an elegant specimen of the architecture of today, superbly finished, furnished and adorned," occupied by persons in tasteful attire.

The parade was followed by services in the Great Tabernacle in keeping with the grandeur of the pageantry of the parade.

One of the most striking features of the occasion was the enumeration by the venerable Historian of the Church—Orson Pratt—of the countries in which the mission work of the Church had been introduced, with a brief account of the work accomplished in each country; after which representatives of all these countries—twenty-five in number—clad in native costume arose and formed in line on the platform, facing the audience, and displaying their national ensigns; whereupon President John Taylor arose and said:

"I wish to state to the congregation that the Lord commanded his servants to go forth to all the world to preach the Gospel to every creature. We have not yet been to *all* the world, but here are twenty-five nations represented to-day, and thus far we have fulfilled our mission, and it is for us to continue our labors until all the world shall hear us, that all who are desirous may obey, and we fulfill the mission given us. The nationalities then resumed their seats, and the Choir rendered the grand and beautiful anthem, 'Glory to God in the Highest.'"<sup>33</sup>

"Notwithstanding the immense crowds that thronged the broad streets," says the *Deseret News* in its description of the occasion, "the utmost order prevailed, good humor; gratitude to God, respect for the occasion and that love of peace and harmony characteristic of the people of Utah, calming and regulating the exuberance of feeling natural at such a time. The weather was lovely. The sky clear, the sunshine warm and brilliant, a light breeze stirring and the air balmy and healthful. . . . 'Pioneers' Day' in the year of our Lord 1880, and in the Jubilee Year of the Church, will be a marked period in this people's his-

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33. Celebration of Pioneer Day, pamphlet, p. 28.





tory. And while we remember with pleasure the events of the day, with its beautiful scenes and glorious sentiments, and cherish the names of the veterans who pioneered the way to the mountains and led the van in the Latter-day dispensation, we will glorify the God of Israel in our hearts and hand down to our posterity the truths for which our honored heroes struggled and suffered and endured. To Him be the glory for all our enjoyments and all our successes.”<sup>34</sup>

Feeling doubtless that in Governor Murray they had one who would go to any limits in political opposition to the dominant Church in Utah and the party through which it fought for the right of the majority of the people to control the local government—“the ‘People’s Party’”—the ‘Liberal Party,’ which for some years had languished in desuetude, suddenly revived and determined once more to place a candidate in the field for the office of delegate to congress. The nominating convention was held in the Liberal Institute building, Salt Lake City, on the 22nd of September, 1880. The gathering was large and enthusiastic, also bitter in its denunciations of the Latter-day Saints, their Church, and their political organization. Governor Murray was in attendance and delivered what at the time was called a “ringing speech,” also a “declaration of war” was made between “the American Republic and Mormon Polygamic Theocracy.”<sup>35</sup> This the key note of the Convention and of the campaign which followed it.

The convention nominated as its candidate for delegate to Congress Mr. Allen G. Campbell, a large mine owner in Beaver county, and quite generally identified with the business interests of the Territory.<sup>36</sup> His anti-Mormonism was sufficiently intense

34. *Deseret News*—Weekly—28th July, 1880.

35. Tullidges Hist., of S. L. City, p. 824.

36. Mr. Campbell was a Missourian, born in Pulaski county, 1834. The “Pike’s Peak” excitement of 1859 carried him to the west, and he was among the founders of Colorado, when at the first the people in Denver and the mining camps of that region sought the organization of civil government under the name of “Jefferson Territory.” In 1870 Mr. Campbell was attracted to Utah by the mining development of the Territory, and became the purchaser of the noted Horn Silver Mine, in Beaver county; after which he became thoroughly identified with the mining interest of Utah. The development of the Horn Silver Mine led to the extension of the Utah Southern railroad for a hundred and fifty miles, for which Mr. Campbell and his partners in the Horn Silver, paid one-fourth of the construction cost, hence his connection with the railroad interests of the Territory. Under all the circumstances he was, perhaps, as strong a candidate as the Liberal Party could choose at the time.



to make him quite dependable in carrying out any scheme the Liberal Party might consider necessary in pursuance of its policy to destroy in Utah what its leaders called "polygamic theocracy"; and his wealth sufficient to meet the necessary expenses of the contest for the seat at Washington which before Mr. Campbell's nomination was determined upon, for there was no hope that he could be successful in obtaining a majority of the votes in the election. Mr. Campbell was absent in New York at the time of his nomination, and when informed of it at Chicago *enroute* for the west, he was disposed to treat the matter as a joke; but was persuaded by his mining partner, Mr. Cullen—who met him in Chicago, and gave him the information of his nomination—to take the matter seriously and wire from Chicago his acceptance of the nomination.<sup>36½</sup>

During the progress of the campaign Governor Murray sent a report of conditions in Utah to the Secretary of the Interior, the chief purpose of which was to influence public opinion against the Church of the Latter-day Saints, and to add to the pressure brought upon Congress by public opinion to pass some one or other of the stringent, anti-Mormon measures then pending before that body. The Governor's principal plea was that the Anti-polygamy laws should be enforced or repealed. In the latter event "the officers of the United States should be recalled, non-Mormons be removed and the country be given over to the Latter-day Saints."<sup>37</sup> Presenting the matter in this alternative

36½. When told that he was nominated as delegate to congress Mr. Campbell "treated it as a pleasant hoax of his partner in the mine"—Mr. Cullen. Persuaded that it was a fact he said—"that is all there will be to it, then;" but finally he took the course described in the text above. See *Tullidges Quarterly Magazine*, Oct., 1883, p. 49 *et seq.*

37. The N. Y. *Times*, reviewing this report on the 11th of October, 1880, said: "Governor Murray only follows in the footsteps of his predecessors when he makes a forcible and formal plea against the enactment of laws against polygamy without enforcing them. . . . The Governor of Utah reiterates the old complaint—he does not suggest any new remedy." The *Deseret News*, editorial comment on this point was pertinent: "Governor Murray . . . indulges in some nonsense about the removal of federal officials and non-"Mormons" from Utah, as a necessary sequence of the repeal of the anti-polygamy laws; but every one knows that there were federal officials and non-"Mormons" in Utah before there was any anti-polygamy law, and therefore its repeal would not necessitate their removal nor affect the nature or emoluments of the offices here under the control of the government; they would remain as if no such law had been enacted.

"We think the repeal of the act of 1862 would be a very wise measure. The passage of that law was a step outside of the constitutional powers of congress, and has been the cause of trouble, vexation and perplexity to the Government ever



form was intended, of course, merely to emphasize the need for the enactment of some measure that would make it easier to prosecute polygamy cases, and doubtless also to aid in placing the control of the Territory completely in the hands of the political "Ringites," headed by the federal officers in Utah; for the recommendations of the anti-Mormon crusaders of this period almost invariably included within them such congressional legislation as would take from the people of Utah even the remnant of local self-government left to them by the Territorial system under which they lived. Recommendations which, before the close of the year, as already seen, were voiced in the message of the president of the United States to congress.

During the political campaign for the election of delegate to congress an attempt was made by the managers of the Liberal Party to disfranchise the women of Utah, who, as detailed in a previous chapter, had been given the elective franchise by act of the governor and Territorial legislature. The matter was brought before the supreme court of the Territory on a writ of mandamus to compel the registra of Salt Lake county, R. T.

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since it was enacted. But if it is to remain on the statute book, no reasonable citizen or official will claim that it should be enforced in any other manner than the usual method of executing the laws of the country. First prove an offence against it, and let the punishment imposed follow conviction. But do not raise a hue and cry against the Government for not proceeding in a lawless manner to enforce one of its laws, simply to please a few rampant bigots who want to put down a religious system to which they are opposed."

One other comment on the Report is also worthy of recording here, since it deals with a point urged by the press throughout the country as well as in Governor Murray's Report. Referring to "Mormon polygamy" the Governor said that it was a "practice which is punished as criminal in every part of the Republic, but flourishes unchecked in Utah." "With all the frequent repetitions of this statement," said the *News*, "it is not true. Our marriage system does *not* exist in any other part of the United States, therefore *it cannot be punished there as criminal*. Common bigamy and 'Mormon' plural marriage, as has been repeatedly demonstrated have nothing in common. They are dissimilar and opposite. Bigamy is of the very essence of fraud, is a betrayal of the women who are deceived, and usually involves the desertion of the wife for a union with another, who is not a wife but is deceived into believing that she is. It is not regulated by anything except the passion or other base desire of the criminal who perpetrates the act. The law against it is designed to protect the wife and prevent the fraud. 'Mormon' plural marriage is a contract of a religious nature, entered into with the knowledge of all parties, neither of whom is deceived as to the facts; it involves no desertion and makes no deception. It is governed and controlled by ecclesiastical rules, and is entered into as a matter of conscience. The law against it was framed specially to prohibit and punish a religious ordinance, and was aimed directly and solely against the Church of Jesus Christ of Latter-day Saints, as is well known, and not denied by any one but sophists and quibblers." (*Deseret News*—Weekly—of Oct. 20th, 1880).





Burton, "to erase and strike off from the list of voters of Salt Lake county made by him, the names of the following persons, viz.: Emeline B. Wells, Maria M. Blythe, and Mrs. A. G. Pad-dock, . . . and of all women whose names appear on the aforesaid list." The case was heard on demurrer, the defendant alleging that (1) the court had no jurisdiction of the subject of the action; and (2) that neither the petition nor writ of complaint state facts sufficient to constitute cause of action. In argument it was held by counsel for the plaintiff, (Gen. Maxwell) respecting the second statement of the demurrer, that the act conferring suffrage upon women, and the registration act, so far as it related to women, were void, and if persons names were put upon the registration lists without authority of law, it was just as much the duty of the registrars to strike them off as it was to refrain from putting them on; and a writ of mandamus was the proper instrument to compel him to erase them.

The heart of the question was, had the women the right to register and to vote in Utah. The right was attacked on two grounds; the Territorial law of 1859 only provided for males and *tax payers* to be voters; the law of 1870 had extended the privilege of suffrage to women without requiring them to be taxpayers, hence discrimination; and it was also held in argument that the act did not require a woman to be a "citizen" within the ordinary meaning of that term, since it was sufficient for her to be a voter—so far as citizenship was concerned—if she was the wife, widow, or daughter of a native born or naturalized citizen—hence discrimination again; and hence the law making these discriminations must be void. The court held that the supreme court of the Territory held jurisdiction in the case, but held also that "the validity of the law" which imposed the duty upon the registrar to enter the names of the persons named in the register "cannot be brought into question in a proceeding of this kind." "We find," said the court, "that there is a law on our statute books in reference to registration, compelling the respondent to do what we are asked to compel him to undo. We cannot, for the purpose of this proceeding inquire into its validity. Having satisfied ourselves that the duty required by the



statute to be performed has been performed, nothing is left for us to do."<sup>37 1/2</sup>

The court therefore refused to mandamus the registrar to remove the names of women from the registration lists, and the women voted.

The result of the election was that George Q. Cannon, the People's party nominee, received 18,568 votes, and the Liberal candidate but 1,357 votes. The smallness of this vote was rather humiliating both to Mr. Campbell and the Liberal Party, since the party when it had contested the election for delegate to Congress several years before, gave the candidate, Mr. Baskin, over 4,500 votes. The small vote in the present election was attributed to the fact that for several years the Liberal party had been practically dead.<sup>38</sup> The smallness of the vote, however, did not prevent institution of a contest for the seat at Washington that

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<sup>37 1/2</sup>. See decision of the court in full, *Deseret News*—Weekly—of Oct. 6th, 1880. Presentation of the case before the court and argument of counsel will be found on the local page, and extended comment on the editorial page of the same issue. Prominent suffrage women in the United States stood by their sisters in Utah who already had what they were contending for in other parts of the Union. The following dispatch was received by Emiline B. Wells, under date of Sept. 28th, 1880, from Washington:

"Stand by your guns. Allow no encroachment upon your liberties. No mandamus here."

(Signed) *Belva A. Lockwood.*

The *Woman's Journal* of Oct. 9, 1880, published at Boston, and edited by Lucy Stone, in its editorial on the case, said:

"It is hardly possible that so bold an attempt to disfranchise citizens who have exercised the right to vote for ten years can be accomplished. It would certainly never have been attempted if these citizens had not been Mormons. But the right to suffrage is independent of any such accident or fact, and this [attempt to disfranchise the women of Utah] should be everywhere rebuked as it deserves to be." (*Deseret News*—Weekly—Oct. 20, 1880).

<sup>38</sup>. See article on Allen G. Campbell, *Tullidges Quarterly Magazine*, Oct., 1883, pp. 49-60. "It was not so much the luke-warmness of the Liberal party, much less an intent to betray him (Campbell) that had given him only 1,357 votes, as the fact that before his contest in its behalf the party was nearly defunct—dead beat, hopeless and aimless." (Id. p. 53). On the other side it was contended that the unpopularity of the Liberal candidate had much to do with the small number of votes cast for him. "We have a secret ballot in Utah Territory," said George Q. Cannon, on the floor of the house during the contest for his seat in the 47th Congress, "and there is no means of knowing the candidates for whom votes are cast. I was voted for, if I may believe what I am told, by many non-Mormons. My last contestant—that was in the Forty-fifth Congress—received over 4,000 votes. There has been an increase of the non-Mormon element since that time, and as one prominent man from Utah said to me in this city recently, 'Mr. Cannon, when we wish to get the seat of the Delegate from Utah, we will send some man here with more votes than 1,357 to get the seat.' This was said by a prominent non-Mormon of that Territory, and if the entire (Liberal) vote had been cast in the Territory at the last election, I have no doubt there would be nearly 5,000 in opposition at that time."



had been determined upon previous to the election. Mr. Campbell, it appears, had some objections at first to making a contest for the seat at Washington, owing to the very unsatisfactory results at the polls;<sup>38½</sup> but his objections were soon overcome by his party leaders and managers and in due time, namely, December 12th, a protest against the issuance of the certificate to George Q. Cannon was filed with the Governor of the Territory. The protest recited a number of reasons why the certificate should not be given to the delegate so overwhelmingly victorious at the polls, chief of which were:—That the votes cast for George Q. Cannon were declared to be illegal—votes “legally blank,” said the protest. George Q. Cannon, the protest charged, was an unnaturalized alien, “being such” he was not eligible to the office, and therefore “all the votes given for him” were void. Not only was it charged that Mr. Cannon was not naturalized, but it was also held that he was not qualified to be naturalized, since his polygamous relations and his public defense and advocacy of polygamy would disqualify him for making the oath required by law, to the effect that he was “attached to the constitution of the United States, and well disposed to the good order and happiness of the same.” It was assumed that the Territorial law granting the elective franchise to women was void; there were more women claiming and exercising the right to vote than the entire vote cast at the late election; “females have voted in large numbers,” said the protest, “they are partisans of said Cannon, and it must be taken for granted that they voted for him at the last election.” As these votes were illegal, according to the protest, they had vitiated the election by making it possible that “the pretended majority reported for Mr. Cannon” consisted of such illegal votes.

All these questions Governor Murray was urged to pass upon in canvassing the returns of the election; arguments and cita-

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38½. “On his return home,” writes his biographer, Mr. Tullidge, “and meeting the results of the election, Mr. Campbell at first declined to contest for the seat. . . . If he stood the contest he was certain to be twitted with his 1,357 votes against Mr. Cannon’s 18,568, and he reasonably felt justified in at first refusing to contest the seat for a party that had given him less than a third of its own voting power.” (*Tullidge’s Quarterly Magazine*, Oct., 1883, p. 53.)





tions of authorities for such procedure formed part of the protest, thus assuming in advance to defend the executive jurisdiction in the case.<sup>39</sup> Over against this, however, was the plain and simple fact which overthrew all the sophistry of the special pleading of Judge McBride, and later of Governor Murry *et al*, namely, that the duties of the governor and the secretary of the Territory in canvassing the votes, declaring the result, and issuing the certificate, as prescribed by law, was a simple administrative act, not at all judicial in character. The law was—"Every territory shall have the right to send a delegate to the house of representatives of the United States. . . . *The person receiving the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly.*"<sup>40</sup> The Territorial statute provided that when the

39. Judge McBride was Mr. Campbell's legal adviser and drew up the protest with great adroitness. "I am not ignorant of what the public generally know in respect to the voting at this election and its supposed result," he makes Mr. Campbell say in the protest. "On the surface the returns will not show, probably, that a majority of the votes actually cast were given for me. But if it be true, as I insist it is, that all the votes not polled in my favor are legally blank, then I owe it to those who placed me in nomination, and by a still greater obligation to the whole community, in the interest of good government to protest, and I do protest, against the counting of any votes for George Q. Cannon.

"The performance of this duty, however, would be productive of no result except to mortify and disgust legal voters whose choice is nullified, unless there is a power conferred on you to so conduct this canvass that legal voters shall only be included.

"If it were a matter of indifference whether the names voted for as candidates represented actual persons or mere mythical characters, persons qualified or persons ineligible; if it were immaterial to discriminate between votes given by those entitled to exercise the elective franchise and those given by persons whom the law excludes on the ground of sex, minority, or alienage from the privilege of voting, then a mere count of votes, and comparison of aggregates, would decide to whom your certificate of election should be given. It is not, however, consonant to the American theory of popular elections to office to ignore such disqualifications, nor to confer such limited powers upon those charged with the duty to ascertain the result, that there can be no elimination of votes illegally received.

"It cannot be said that the laws have so imperfectly guarded the ballot-box and provided for pure and regular elections that if illegal votes are once received, by some error of judgment or failure of duty by officers registering voters or having the immediate control of elections, the wrong is forever incapable of rectification.

"No remedy is adequate or effective in respect to offices for short terms which does not administer the corrective during the canvass, for before any other remedy can be sought and applied the motive to pursue it ceases by the expiration of the term; the wrong prospers and the authors are thereby encouraged to repeat it, and generally do." (House Miscellaneous Documents, 47th Congress, 1st session, No. 25. Nearly all the documents of this case of contest will be found in the foregoing; also in Tullidge's *Quarterly Magazine* for Oct., 1883, and pp. 49-60; and in his *History of Salt Lake City Ch. LXXXIX*). All this sophistry, however, is swept aside by the statement of the text respecting the law governing the case.

40. United States Revised Statutes, sec. 1862.



certified returns from the respective counties had all been received at the Territorial Secretary's office, "the Secretary in the presence of the Governor, shall unseal and examine them, and furnish to *each person having the highest number of votes for any Territorial office a certificate of election.*"<sup>41</sup> Furthermore, each house of congress, by constitutional provision had reserved to it, as a right, to be the judge of the elections, returns, and qualifications of its own members.<sup>42</sup>

A very careful and elaborate answer to the Campbell protest was made and filed with the governor in which all matters of ineligibility raised were answered and the above principles and laws bearing upon the case were ably set forth.<sup>43</sup> Both parties to the contest appeared by counsel before the governor and presented oral arguments and cited authorities in support of their respective contentions.<sup>44</sup> Governor Murry needed no persuasion to induce him to issue the certificate of election to Mr. Campbell instead of to Mr. Cannon. It was in harmony with his own inclinations to do so, and doubtless part of the conspiracy entered into before the election by Utah anti-Mormon "Ringites" and certain anti-Mormon plotters at Washington, and other eastern localities, to so proceed, let the election returns be what they might.<sup>45</sup> Governor Murray proceeded along the lines sug-

41. Compiled Laws of Utah—1876—p. 85.

42. Constitution U. S. Art. I, sec. 5.

43. The Delegate from Utah, pp. IV.—XIII.

44. "On the 7th of January, 1881, the Governor went through the form of hearing counsel, or persons appearing as counsel for the respective candidates, as if he were a court, and had power to receive evidence, weigh testimony, and render judgment. That he never had any power to do either, is apparent from the slightest consideration of the nature and duties of his office, and of the statutes of the United States and of the Territory—a mere ministerial executive officer, having no power to send for witnesses or papers, and who *did* not send for either, and *heard* no evidence, undertook to set aside the order of a court of general jurisdiction, naturalizing a citizen, and at the same time annul the election returns giving a majority of over 17,000. Never was a greater outrage attempted, and never was anything called a 'hearing,' a greater farce. That Murray had determined what he would do long before the election, is proven by the prophecies of it by his friends, and the prompt fulfillment by himself." (The Delegate from Utah, pp. 2 and 3; and Former Delegate W. H. Hooper appeared for Mr. Cannon, John R. McBride for Mr. Campbell, *Deseret News*—Weekly—of Jan. 12, 1881.

45. The evidence of that conspiracy consists in the simultaneous activity of the Anti-Mormon forces in the East, with the illegal procedure of the Utah Anti-Mormon "Ringites" in relation to the election of 1880 and the irregular and illegal action with reference to the issuance of the certificate of election to a man who clearly was not elected. The Eastern anti-Mormon activity resulted in the introduction of the act known as the Edmunds bill simultaneously with the Cannon-Campbell contest, and which became law a few days before the action of the



gested by the Campbell protest. He sat in judgment upon Mr. Cannon's citizenship, declaring not only that he was not a citizen, but that he was on account of his relations to polygamy, "incapable of becoming a citizen," and decided that "Mr. Campbell, having received the greatest number of votes *cast* for any *citizen*, was therefore duly elected and must receive the certificate accordingly."<sup>46</sup>

On the 20th of January, 1881, Mr. Cannon served formal notice upon Mr. Campbell that he would contest his right to hold a seat in the house of representatives of the 47th Congress, also his right "either to be sworn or enrolled, or to hold a certificate of election as such delegate."<sup>47</sup> In addition to this step, on learning of the departure of Governor Murray from Utah for the east, early in January, a petition for a writ of mandate was made to the U. S. district court at Salt Lake City, commanding the secretary of the Territory, Mr. Arthur L. Thomas,—who in the absence of the governor from the Territory was the acting governor—to declare the petitioner, Mr. Cannon, elected to the office of Delegate to the house of representatives of the 47th Congress, and to issue his certificate of election to that effect, in harmony with the returns of the late election. The case was argued at length before Judge Stephen P. Twiss by counsel for the opposing parties on demurrer proceedings entered by the acting governor. Judge Twiss decided that the demurrer must

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house in the contest case, in order that its clause disqualifying polygamists from holding office in any Territory "or under the United States," might operate upon the delegate from Utah.

46. "Declaration of Result of Election," by Governor Murray, see also House Miscellaneous Documents, 47th Congress, 1st session, No. 25. Also Pamphlet, "The Delegate from Utah," Appendix, p. i—xvii. Also Tullidge's Quarterly Magazine, Oct., 1883. Governor Murray refused to consider the alleged voidness of the Territorial law conferring suffrage upon women set forth in the protest. (See Murray's Declaration cited above in Utah's Delegate, p. XV). The question for him turned upon the matter of Cannon's citizenship. *Id.* see also note 1 end of this chapter for discussion of Cannon's Citizenship.

47. House Miscellaneous Documents. 47th Congress, 1st Sess., No. 25. Also Utah Appendix, p. XVIII. Notice of this contest was served upon Mr. Campbell at Green River when the Gentleman was en route from the east to Utah. The law required that notice of the contest be served within thirty days after the issuing of the certificate, and congressional rule required that it should be personal service. It is said Mr. Campbell "churlishly refused to sign an acknowledgment of service" at the time it was made, and also that it had been difficult to locate Mr. Campbell or his counsel, so that "considerable ingenuity had to be exercised in order to make service in the prescribed manner, and within the proper time." *Deseret News-Weekly*—Feb. 9th, 1881).





be sustained on the main issue. He held that granting a certificate of election by the governor was not "merely ministerial;" it was "at least an executive duty of a political character, which may at times require the best and soundest discretion; and that directing him by a peremptory writ of mandate to do an act within the scope of his official power, which he had on demand, in the exercise of his discretion refused to perform, would be assuming a grave responsibility unsupported by authority of law, which might result in irreparable mischief."<sup>48</sup>

The next step was taken at Washington. Mr. Cannon's notice of contest declared his intention not only to contest Mr. Campbell's right to hold a seat in the house of representatives, as delegate from Utah, but also to contest his "*right either to be sworn or enrolled*," or to hold a certificate of election as such delegate. Unwittingly Governor Murray had really given a certificate of election to Mr. Cannon in the second paragraph of his "Declaration of Results of the Election," which accompanied the certificate given to Mr. Campbell, where he states, and of course over his own signature, and under the seal of the state—"the returns show that George Q. Cannon received 18,568 votes, and Allen G. Campbell 1,356 votes."<sup>49</sup> Thus there was in effect two certificates placed before the clerk of the house when the governor's certificate with accompanying declaration of results was filed with that officer; one declaring that Mr. Cannon was the *person* receiving the greatest number of votes at the election, and the Murray certificate declaring that Mr. Campbell "was the person, *being a citizen of the United States*, having the greatest number of votes," and therefore duly elected. Mr. Cannon in pursuance of his notice to Mr. Campbell that he would contest his right to enrollment and to be sworn in as a member as well as his right to the seat, appeared before Mr. Adams, the chief clerk of congress whose duty it was to make up the roll of membership in the congress elect, placing "thereon the names of

48. See opinion in full in *Deseret News*—Weekly—of March 2, 1881, p. 65, with judgment and orders at p. 77. The proceedings with argument of counsel will be found in the two preceding numbers of the *News* viz. Feb. 16th and 23rd, 1881.

49. "The Delegate from Utah," Appendix, p. 1. This document of Murray's "as a declaration of the vote, a recital of the protest and answer with his opinions and conclusions on the questions involved." (*Id.*, p. 3.) "No stronger certificate of Cannon's election could be made," is the comment of Cannon's Counsel. (*Id.*, p. 3).



those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their states respectively, or the laws of the United States."<sup>50</sup> Mr. Cannon submitted a copy of this certificate which stated that he had received the greatest number of votes. It is said that Mr. Adams refused to hear arguments at that time "as the other party had not seen proper to appear,"<sup>51</sup> and Mr. Cannon's name was enrolled as the delegate from Utah. This completely turned the tables on the Utah "Ring" conspirators, enstalled Mr. Cannon as the delegate instead of the "contestant," which granted him his *per diem* and mileage, and relieved him of much of the trouble and cost of a contestant for the rights to which he was plainly entitled; also the disadvantage of waiting around the committee rooms and lobby until the case could be brought to a hearing, which doubtless,—had Campbell been enrolled—the conspirators would have postponed as long as possible.<sup>52</sup>

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50. "The Delegate from Utah," p. 5.

51. "The Delegate from Utah," p. 5.

52. Chief Clerk Adams was very generally censured by the Republican press of the country for ignoring the certificate given to Campbell by Governor Murray, and enrolling Cannon's name. It was characterized as "a great stretch of power." Still the voice of the press was by no means all one sided; "The Republican press severely criticises Clerk Adams of the house of representatives," said the *Detroit Free Press*, "for putting the name of delegate Cannon on the roll of the house instead of the name of Campbell. But it is worth noticing, that with all their bitterness none of them accuse Clerk Adams of doing any wrong to Campbell. No Republican journal that lays any claim to a reputation for decency pretends that Campbell is elected or has any shadow of title to the seat, save that which the governor of Utah invented when he gave him a certificate. Even the *New York Times*, while censuring the Clerk for ignoring the certificate to Campbell, admits that it "really belongs to Cannon."

The *Louisville Post* said: "Clerk Adams placed Cannon's name on the roll of the House of Representatives because Cannon was duly elected. No rational person, acquainted with the law and the facts, could decide otherwise. Cannon is entitled to the seat and no member of congress doubts that he will get it."

This from the *Cincinnati Times*: "The indications are that Governor Murray, of Utah, does not run the United States Congress."

The *Omaha Herald*: "Utah is likely to get her chosen delegate in Congress. The fraud of Gov. Murray has been repudiated by the clerk of the House."

The *Cincinnati Gazette*: "It is undoubtedly true that the majority both of republicans and democrats sustain the position taken by Clerk Adams in regard to the Cannon-Campbell case, notwithstanding the claims of the latter and his friends that he is entitled to the seat. The Committee on Elections was strongly of the opinion, and this without regard to party, that Governor Murray has taken an authority on himself which he has no legal right to exercise."

The *Sacramento Record-Union*. "The Clerk of the House, Adams, has put Cannon on the roll of members, despite the bogus certificate of Governor Murray, and Mr. Campbell thinks it very hard that he should not be allowed to secure the seat to which he was not elected, after his friends had gone to so much trouble



Naturally the Utah "Ringites" were enraged at the course of Clerk Adams in enrolling the name of Mr. Cannon instead of Mr. Campbell's, and on the 8th of June brought suit, in the name of the United States, "in the nature of a bill of equity," in the third district court of Utah, asking first, that George Q. Cannon be adjudged *not* a citizen of the United States; second, that the certificate of citizenship he held be adjudged fraudulent and void; third that he be enjoined from drawing the salary and compensation pertaining to the office of delegate to congress.<sup>53</sup> To this proceeding the defendant, Mr. Cannon, demurred, and on hearing the arguments Judge Hunter dismissed the case on the ground that "the Attorney General of the United States should file complaint in behalf of the government in such cases"—in other words, the plaintiff had no right to prosecute the case and the court had no jurisdiction to hear it.<sup>54</sup>

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to issue a certificate which was fraudulent on its face." There were many other papers that voiced similar sentiments.

The press comments thought the United States on the action of Governor Murray in giving the certificate of election to Campbell was very generally and severely condemned. A collection of these comments amounting to more than two score of columns will be found in the *Deseret News—Weekly*—for 10th and 26th of January, 1881; and also in the four numbers of the same journal for February of the same year. About the only leading journal that did not emphatically condemn the action of the governor was the *Louisville Courier Journal*, published in Murray's home town. It was thought in some quarters that a mistaken sense of loyalty to a fellow townsman was the cause of the support of Murray in this action. The *Chicago Inter-Ocean*, a stalwart Republican paper, published a Washington dispatch suggesting as an explanation of the support given by Mr. Watterson, editor of the *Courier-Journal*—to Governor Murray and Mr. Campbell, that the brilliant editor had become interested through Governor Murray in the celebrated Moulton Mine of Montana, and that this interest influenced his editorial utterances on a really great public question. (See *Inter-Ocean* dispatch copied into *Deseret News—Weekly*—for Feb. 23rd, 1881). This, however, is not in keeping with the character of Mr. Watterson; and it is more likely that the great editor allowed his bitter Anti-Mormon prejudices, created by the misrepresentations of Murray, Campbell, *et al.* to sway his judgment from that splendid poise in which it generally stood so well balanced.

53. See record of filing the case in *Deseret News—Weekly*—of June 15th, 1881. Also the Delegate from Utah, p. 19.

54. P. T. Vanzile, U. S. District Attorney for Utah, was joined with the attorneys of Mr. Campbell, Messrs. Sutherland and Mr. McBride, in an effort no doubt to give color to the idea that the United States government was really prosecuting the case. Judge Hunter permitted a very astonishing thing to be written into his order dismissing the case, namely, that from the facts stated in the complaint, which are admitted by defendant's demurrer, "there is no record of defendant's naturalization, and that no proceeding for that purpose ever took place in court, and that the certificate held by defendant as a certificate of naturalization was obtained by fraud and has been fraudulently used, and is void on its face in not professing to be the copy of a record, and not certifying a regular naturalization, and therefore that there is no sufficient cause shown for annulling it." An examination of the demurrer—printed in full and with the whole proceedings had in the





The case next came up before the house of representatives on December the 7th. The speaker of the house, Mr. J. Warren Keifer, allowed the delegates from the other Territories to be called and sworn, but refused to have the name of Mr. Cannon called, thus ignoring the enrollment by Clerk Adams. Mr. Has- kel, representative from Kansas, introduced a resolution declar- ing that Mr. Campbell, delegate elect from Utah, had a right to be sworn in as a delegate, on a *prima facie* case." Against this Mr. Cox of New York raised a point of order, *viz.*, that Mr. Cannon's name was on the roll of members and the speaker was bound to recognize that fact. A spirited debate followed, and the matter finally went over to the 10th of January.<sup>55</sup>

When the question came up on the 10th, Mr. Haskell's resolu- tion to swear in Mr. Campbell as delegate "on a *prima facie* case" was defeated, and a substitute motion by Mr. Thomas B. Reed, of Maine, directing—

"That the papers in relation to the right to a seat as a Dele- gate from the Territory of Utah be referred to the Committee on Elections, with instructions to report at as early a day as

case in *Deseret News*—Weekly—of Nov. 19th, 1881,—discloses no such admis- sions in the demurrer. "This probably," says the author of "The Delegate from Utah," "is the first case in the history of jurisprudence where a court at once de- termines that he has no power to proceed to determine the case, and at the same time renders a decree in favor of the plaintiff" (p. 20). Still, had the admission been made in the demurrer, it would have been but an admission for the sake of the argument. Yet see in the following excerpt from "The Delegate from Utah," what use is made of this falsely claimed admission: "Among lawyers there would be need of little to be said of the ridiculous features of this order; nor does it in itself have any effect; but immediately upon the filing of the order the agents of the conspiracy telegraphed to all the newspapers of the country that Judge Hunter had decided the naturalization of Cannon fraudulent; and solemn essays and articles appeared on the merit and effects of such decision, as if the decision had been rendered on final decree, after a hearing of the facts. That a demurrer admits nothing except for the purpose of the argument of the demurrer, and can- not be used in any collateral or other proceeding, is abundantly proven by the fol- lowing extracts from prominent authority" (p. 20). He then cites several law cases in point (See also *Deseret News*—Weekly—for Nov. 30, and December 21st —p. 745—1881. Mr. Cannon's attorney sought later, Dec. 16th, 1881, to have the record corrected, but this Judge Hunter refused to do, since what he had stated in the court order, he explained, was from the "effect" of the demurrer. "Of course," he added, "there could be no finding of facts, as none were presented." *Deseret News*—Weekly—(account of motion made in court) of Dec. 21st, 1881.

55. Congressional Record, 47th Congress, Dec. 6th, 1881, pp. 33-43. All the official documents in the case are printed within these pages including a separate statement of the Utah election returns by counties and officially signed by Arthur L. Thomas, Secretary of Utah Territory, and headed "Credentials of Mr. Can- non." (Id., p. 43). So that this as well as Governor Murray's statement of Mr. Cannon's vote was evidently used as a certificate of Mr. Cannon's election.



practicable, as to the *prima facie* right, or the final right of claimants to the seat, as the committee shall deem proper."

The amendment was carried by a vote of 189 to 24; and thus, without allowing either Mr. Cannon or Mr. Campbell to be sworn in, though with Mr. Cannon's name remaining on the roll, the whole question of *prima facie* and final right of the claimants was referred to the house committee on elections.

The day following this action Mr. Haskell brought before the house a resolution the purpose of which was to declare "as the fixed and final determination of the house of representatives of the 47th Congress," that "no person living in polygamous marital relations, or guilty of teaching, or inciting others so to do, is entitled to be admitted as a delegate from any Territory." The resolution was introduced under a plea of "personal privilege," "to maintain the dignity of the house." After some debate it was decided by the house not to be a matter of personal privilege at all, and was thrown out by a vote of 139 against it, to 109 in its favor. It was of course, pretense all aside, a direct attempt to disqualify George Q. Cannon for the office of delegate to which he had been elected, and whose contest for his seat was then being considered by the house committee on elections. The manifest unfairness of the resolution was very apparent; and becomes more so when it is known, as the fact was, that Mr. Haskell took advantage of a written admission made by Mr. Cannon on the subject of polygamy before the committee on elections in order to expedite the contest before that body.<sup>56</sup>

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56. See Congressional Record for Jan. 11th, House Proceedings, p. 362, *et seq.* Following is the written statement of Mr. Cannon: "I, George Q. Cannon, protesting that the matter in this paper contained is not relevant to the issue, do admit that I am a member of the Church of Jesus Christ of Latter-day Saints, commonly called Mormons; that in accordance with the tenets of said Church, I have taken plural wives, who now live with me, and have so lived with me for a number of years and borne me children. I also admit that in my public addresses, as a teacher of my religion in Utah Territory, I have defended said tenet of said Church as being in my belief a revelation of God." Signed, George Q. Cannon, Congressional Record of House proceedings on 11th of Jan., 1882, p. 359. This paper was given by Mr. Cannon to the committee on elections to obviate the necessity of the contestee, Mr. Campbell, calling witnesses and going into the proof of the matter, as he proposed to do. No sooner was it given than Mr. Haskell made it the basis of his resolution to disqualify Mr. Cannon for taking his seat.

This admission of Mr. Cannon in the house debate that followed later was made conspicuous by being placed in contrast with a statement of his made in contest with Maxwell in the 43rd Congress, wherein he denied that he was "living with



Running parallel with the later incidents of this contest over the seat for delegate from Utah, was another incident of even greater importance, and one designed to, and which did effect the contest over the delegateship. This was the passage of the celebrated Edmund's bill during the first session of the 47th Congress.

While the press of the United States, as already noted, almost universally condemned the action of Governor Murray for giving the certificate of election to Mr. Campbell, to whom, clearly, it did not belong; and while a number of influential papers sustained Clerk Adams in placing the name of Mr. Cannon upon the house roll, still there was a wave of anti-Mormon sentiment sweeping over the country during the years 1880-1882 that was quite appalling. At no previous time, perhaps, had anti-Mormon prejudices been more violent, or unreasoning; and public opinion loudly demanded some settlement of what was quite generally called the "vexed Mormon question." The question had been treated in four official communications from three Presidents of the United States. First President Hayes in two annual messages to congress on December 1st, 1879, and December 6th, 1880, respectively.<sup>57</sup>

four wives or that he was then living with or cohabiting with any wives, or had ever lived in violation of the laws of God, man, his country, decency, or civilization or any law of the United States." This in 1874. The anti-bigamy law of 1862 made the act of marrying another woman while the legal wife was living and undivorced, the crime, not the subsequent polygamous cohabitation. And as Mr. Cannon had married all his wives previous to 1862—and the law could not be retroactive, and as there had been no law on the subject of cohabiting with polygamous wives until the passage of the Edmund's act of 1882, Mr. Cannon was plainly within the truth when he said that such relations as he had contracted and maintained in Utah were not illegal—not in defiance of, or in violation of, the laws of Congress. (See Cannon's Speech in the 47th Congress, 19th April, 1882, pp. 3036-70\*).

57. Messages and Papers of the Presidents, Vol. VII, pp. 559-60; and 605-6. "If necessary to secure obedience to the law," President Hayes wrote in his first message, "the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States may be withheld or withdrawn from those who violate or oppose the enforcement of the law on this subject (i. e. polygamy)." In the second message he recommended the practical abolishment of the Territorial government and the establishment of a government by a governor and legislative commission. He said: "Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it. . . . I recommend that Congress provide for the government of Utah by a governor and judges or commissioners, appointed by the president and confirmed by the senate—a government analogous to the provisional government established for the territory northwest of the Ohio by the ordinance of 1787. If, however, it is deemed best to continue the existing form of local government I rec-





President Garfield referred to the subject in his inaugural address on March 4th, 1881;<sup>58</sup> and doubtless, had his life been spared to the time of the meeting of congress, he would have made very definite recommendations to congress on the subject of legislation for Utah. But on the 2nd of July, he was shot down by the assassin, Charles Guiteau. Chester A. Arthur, the vice-President, succeeding to the presidency, in his message to congress, December 6th, 1881, urged vigorous measures against the plural marriage system of the Latter-day Saints. Among other things he called attention to the then recent decision of the ~~supreme~~ court in the "Miles Case," in which the judgment of the lower court in the conviction of Miles for bigamy was reversed.<sup>59</sup> The court in rendering this decision called attention to the difficulty of proving polygamous marriages, and suggested the propriety "of modifying the law of evidence which makes a wife incompetent to testify against her husband."<sup>60</sup> This suggestion President Arthur changed to a recommendation to congress; and also recommended that stringent laws be passed, with heavy penalties, requiring the filing of marriage certificates with the supreme court of the Territory, by the officiating person.

In addition to these recommendations to congress by the chief executives of the nation here named, the chief of the sectarian

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ommend that the right to vote, hold office, and sit on juries in the Territory of Utah be confined to those who neither practice nor uphold polygamy." The severity of these measures,—un-American in spirit and beyond question unconstitutional—indicate the temper that had been developed by the anti-Mormon crusade mentioned in the text. Such recommendations as these grew out of that political heresy of the times that "the constitution confers upon congress sovereign [absolute] power over the territories of the United States" (Republican Platform, 1876. Cooper's American Politics, Book II, p. 56). For an incisive analysis of this proposition, and its utter abolishment in argument by one of the most noted jurists of the United States—second only, perhaps, to Chief Justice John Marshal.—see a speech by Judge Jeremiah S. Black,—Attorney General, and, in the closing months, Secretary of State in Buchanan's administration, and formerly Chief Justice of the State of Pennsylvania—delivered before the judiciary committee of the house of representatives, Feb. 1st, 1883, in behalf of Utah on the subject of "Federal Jurisdiction in the Territories," and published in a pamphlet of 28 pages. Excerpts of which will be found in note 2, end of this Chapter.

58. Messages and Papers of the Presidents, Vol. VIII, p. 11. Among other things he said: "In my judgment it is the duty of Congress, while respecting to the uttermost the conscientious convictions, and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order.

59. See this History, chapter CXI.

60. Messages and Papers of the President, Vol. VIII, p. 57.



churches of the country once more took up the "Mormon question" and made urgent demands for drastic legislative measures against the Latter-day Saints of Utah.<sup>61</sup> At several of these conventions and missionary board meetings, local sectarian ministers, missionaries in Utah, were present, reported "conditions in Utah," and urged the passage of extreme legislative measures against the Latter-day Saints. It is but the truth to say—however much regret one may feel in saying it—that strict regard for truth was not always an element of many of these reports, and certain-

61. Among the more prominent religious bodies acting upon this matter was the Protestant Episcopal Church met in a general convention in the city of New York from the 6th to the 27th of October, 1880. This body was the most moderate of the Churches in its recommendations. One of its resolutions said: "*Resolved*, the House of Bishops concurring, that while there are peculiar difficulties in the execution of this law, owing to the religious fanaticism (doubtless oftentimes sincere) by which the institution of polygamy is upheld, and especially to the fact that the interests of many innocent persons are unhappily involved, it is still the duty of every Christian citizen of this republic to use his influence to aid the United States government in bringing about, as speedily as possible, a merciful but firm enforcement of the law in regard to polygamy or bigamy in the Territories of the United States." (Page 59 of Proceedings of said convention, quoted in *Deseret News* of Jan. 15th, 1881). An Episcopal Convention held in New York City, 11th of April 1881, past a series of resolutions much harsher in tone than the above. This convention approved the reference to Mormonism in President Garfield's Inaugural address and said: "The filth of its abominations is overflowing into other Territories, and in conjunction with communism threatens in fact, the nation. The people's neglect in this matter has already become a national wrong, if not a crime (*Id.*) This convention said that if the severe legislation prayed for failed, "*We commend the use of the strong force of the military arm.*" (*Id.*) p. 308. The Methodist Episcopal Church Assembled in the Northern New York conference, at Oswego, April 16th, 1881, passed a series of denunciatory resolutions against the "Mormon Church," one of which said: "We most respectfully but earnestly demand of our national legislature enactments that shall relieve our country from the oppressive, un-American and criminal features of this national disgrace and curse." The convention also joined with the brethren of the Newark Conference of the same denomination, in asking "the religious and secular press and all ecclesiastical assemblages to urge upon the public mind this important subject and to vigorously sustain the executive and legislative branches of our government in all needed action in relation thereto." (*Deseret News*, *Id.*, p. 308). The Central Pennsylvania Conference of this denomination joined in the movement. At the Presbyterian Mission Board meeting, held at Buffalo, N. Y., on May 27th, 1881, many bitter anti-Mormon speeches were delivered, and Congress was denounced for "allowing Mormonism to grow." It was at this meeting that Mrs. Horace Eaton read her somewhat celebrated paper on the "Rise of Mormonism" (*Hand-Book on Mormonism*—Conyer, pp. 1-4).

The Baptist Home Mission Society meeting held at Indianapolis, May 26th, 1881, authorized the Executive Board to address a memorial to the President and Congress of the United States calling for early measures to prohibit the practice of polygamy. (*Deseret News* Jan. 25th, 1881). The Reformed Episcopal Church of New York, on the same date, took similar action (*Id.*) On June 8th, the Home Missionary Society at the anniversary meeting—1881—adopted a memorial to congress and the president of the United States praying for the adoption of speedy measures for overthrowing the evil of Mormonism. At this meeting Mr. Haskell, member of Congress from Kansas, was present and spoke most bitterly. (*Id.*)



ly but little of the Christian spirit was manifested in the utterances of these "reverend" gentlemen.<sup>62</sup> Individual utterances of a number of the clergy in the United States were even more reckless and vicious than the resolutions of religious conferences and missionary conventions. The Rev. T. DeWitt Talmage on Sunday, the 2nd of October, 1881, in a public discourse at the Brooklyn Tabernacle very broadly implied that Guiteau, the assassin of President Garfield, was a Mormon;<sup>63</sup> and further said that he "should not wonder if in the great day, when all such things are revealed it should be found that he was a paid agent of that old hag of hell [i. e. the Mormon Church] who sits making mouths to heaven between the Rocky Mountains and the Sierra Nevada."<sup>64</sup> The reverend gentleman also said that "while all the good people throughout the world were praying for the president's recovery the Mormons were praying for his death." "If the death of Garfield," he added, "shall arouse the nation to more hatred of that institution of Mormonism which was Garfield's special disgust, he will not have died in vain."

62. Among these who were particularly active in this kind of work were Rev. C. P. Lytord, of the Methodist Episcopal Church; Rev. J. M. Coyner of the Presbyterian Church; Rev. W. M. Barrows, of the Congregational Church; Rev. D. L. Leonard, Superintendent of Home Missions for Utah. As specimens of exaggeration and bitterness it is pointed out that Mr. Leonard in pleading the financial and other needs of his mission district, declared that "there were 620,486 young persons in the Mormon district, and that it was the youthful element that the missionaries were working on." (See Report of the Buffalo meeting in *Deseret News—Weekly—June 15th, 1881*). As a matter of fact there were not one-half that number in the entire membership of the Mormon Church at that time, much less, of course, that number of "young persons." On the same occasion Prof. J. M. Coyner said that he had analyzed Mormonism and "found it included *diabolism, animalism, Mohamedanism, the bigotry, cunning and treachery of Judaism, and Thuggism*, which made a dose for Columbia, and he wondered how long she could stand it." (Id.) Vigorous Editorial treatment of the action of these several sectarian conferences and conventions will be found in the *Deseret News—Weekly—* of the 15th and 22nd of June, 1881, respectively.

63. The sermon in full will be found in the *New York Express* of Oct., 1881. A synopsis of it as a press despatch was sent to the papers of the country on the 4th. "I will not say Guiteau was a Mormon; nor would I dare to say he was not," the press despatch represented the Brooklyn divine as saying, "but Guiteau says he shot Garfield in the name of the Lord. If he was not a Mormon he was one of the Onedia community, whose chief doctrine was right to a profusion of wives. In the full text of his speech he declared Guiteau had 'the Mormon ugliness.' He had the spirit of Mormon licentiousness; of Mormon cruelty; of Mormon murder." Then follows the assumption quoted in the text that Guiteau was the paid agent of the Mormon Church. Press dispatch of 4th Oct., 1881, in *S. L. Tribune*, of Oct. 5th.

64. Mr. Haskell, representative from Kansas, in a speech on the Cannon—Campbell contest in congress, thought enough of this vulgar, brutal phrase, to plagiarize it into the closing sentence of said speech. See *Congressional Record* of Jan. 10th, 1882, p. 326.





At Dayton, Ohio, on the same day, the Rev. J. H. Parks, a Baptist divine, told his congregation that "the Mormons rejoiced over the death of President Garfield, because in his inaugural address he favored the adoption of some means of abolishing this infamous practice of polygamy. 'I would,' said the reverend gentleman, 'that the guns of Fort Douglas were turned upon them, and they made loyal by this means if by no other means.'"<sup>65</sup>

The story that the news of the assault upon President Garfield was received in Salt Lake City "with joy and satisfaction; and that prayer circles were constantly imploring the destruction of the president, found its way into a number of eastern papers in the latter part of July and early in August. There was coupled with this statement also another, not less infamous, to the effect that "when President Lincoln was murdered the Saints gathered and had time of joy and gladness, singing praises and giving glory to God for the assassination."<sup>66</sup>

Relative to the manner in which the news of the assassination of Lincoln was received in Utah, and the course of both the Latter-day Saints and the Gentiles with reference to memorial services, and the genuine sorrow of the whole community without respect to political or religious differences—all this has already been treated in these pages.<sup>67</sup> As to the assault upon Garfield, every evidence that a community could give of its sorrow over so shocking an event was manifested. Elaborate preparations were under way for the public celebration of the Fourth

65. The Dayton (Ohio) daily *Herald* of Oct. 3rd, 1881. Copied into *Deseret News—Weekly*—of Oct. 26, 1881.

66. *Deseret News—Weekly*—of Aug. 3rd, 1881, where in editorial comment the story is indignantly denied. The Providence (Rhode Island) *Star* published the story but proclaims its disbelief in it: "We do not believe the 'prayer circle' story that is now going the rounds of the press," it said. "There are bad gentiles as well as Mormons in Salt Lake City, and lying about the Saints is one of their chief accomplishments. The account of a prayer for the death of President Garfield has about it all the ear marks of a Gentile roor back, and we believe we could put our fingers upon its source in the Mormon capital." (Id.) The Boston *Watchman*, the organ of New England Orthodoxy" was very specific in its charge. "It is an interesting fact," it said, "that on the day set apart for prayer for the President, . . . the *Deseret News*, organ of the Mormons, declared that the 'Praying Circle' of the Mormon Church was engaged in continual supplication for the death of President Garfield." "If the *Watchman* can produce anything of the kind as an assertion of the *Deseret News*," commented the editor, "either on the day named or at any other time, we will agree to regard the Boston religious paper with some degree of respect." (*Deseret News—Weekly*—of Oct. 5th, 1881).

67. Chapter CI.



of July that year in Salt Lake City. There had been an expenditure of considerable sums of money and much labor employed for the purpose of making this year's celebration of the anniversary of the nation's birth memorable; but when the news of the assault upon the President reached Utah—he was shot down on the 2nd of July—all thoughts of a celebration was at once abandoned," and the sad news sent to the remotest parts of the Territory, that all arrangements for rejoicing and merriment might be suspended."<sup>68</sup>

The 24th of July is Utah's "Pioneer Day;" a day of general rejoicing, public amusements, and festivities; but as President Garfield's life was still hanging in the balance, it was considered no time for public rejoicing while he was lying in a critical condition, so no preparations were made for celebration of the day that year—"although the facilities reserved from the Fourth [of July]," said the *Deseret News*, "are at hand waiting to be utilized." "This is a small thing," the editorial continued, "but it shows the feelings of the people on the subject under consideration"—the charge that the people were praying for the death of the national executive. "We repudiate with all our soul's energies," continued the editor, "the malicious charges made in the fiendish paragraph referred to."<sup>69</sup>

When word that the President had been dangerously wounded was received in Salt Lake City, and the matter of abandoning the Fourth of July celebration was presented to John Taylor, President of the Church, he said in a statement for publication:

"In relation to the startling news that we have heard concerning the attempted assassination of President Garfield, whether it arises from private animosity and personal feelings of revenge, or whether it originates from a political clique, it is one of those things that all right-feeling people will lament. . . . We ought not only in appearance, but in reality, in our hearts, have feelings of sympathy towards those who have suffered with the honorable President of the United States in this dire calamity which has overtaken him; and to feel to execrate the wretch who has perpetrated so foul a deed. . . . I propose to send word to all our prominent men throughout the Territory to

68. *Deseret News*—Weekly—of Aug. 3rd, 1881.

69. *Deseret News*—Weekly—of Aug. 3rd, 1881.



cease from any exhibition of jubilation on the Fourth of July; and to act in sympathy with our injured President as becomes good and faithful citizens, and to not only act in that way, but to feel so in our hearts, that we may truly sympathize with the chief executive and with his family, and with the nation of which we form an integral part."<sup>70</sup>

Finally when the end came,—19th of September—President Taylor in a very courteous note to Governor Eli H. Murray, under date of September 23rd, tendered to him the use of the great Tabernacle for Union services by the people of Salt Lake City without regard to religious affiliation; but the tender was respectfully declined on the ground that previous arrangements had been made by several of Salt Lake City's churches for Union services, and in other cases for services in their respective churches, in one of which the Governor had promised to join.<sup>71</sup>

70. *Deseret News*—Weekly—of July 6th, 1881. The Telegram mentioned above was as follows:

"TO THE PRESIDENTS OF STAKES."

"The lamentable news having reached this city this morning, that an attempt has been made upon the life of President Garfield by an assassin, and that he is now lying dangerously wounded; execrating as we do the horrible crime of assassination, we suggest to the Latter-day Saints that out of respect to the Nation's Chief Magistrate, and in accordance with our heart-felt sympathy in behalf of all, preparations by them for celebrating the national birthday, July 4th, throughout the Territory of Utah, be suspended, and the demonstrations usually had on that day be dispensed with.

JOHN TAYLOR,  
GEORGE Q. CANNON,  
JOSEPH F. SMITH,

First Presidency.

(Id.)

71. The body of President Taylor's letter to the Governor—from which the spirit of the tender may be judged—was as follows:

*Dear Sir:* Fully appreciating the motives which have suggested the issuance of proclamations of President Arthur, as the Chief Magistrate of the United States, and yourself as Governor of the Territory, to the effect that Monday next he observed as a day of humiliation and mourning, and that the usual business of the day be suspended, and the people gather to their respective places of public worship, to pay their tribute of sorrowful respect to the memory of the late President Garfield, I take the liberty of tendering to you, and through you to the various religious denominations, and to those citizens who do not belong to any religious denomination, the use of the Large Tabernacle in this city, for the services on that occasion, as a building in which all the citizens can meet without distinction of sect and party, and unite in ceremonies appropriate to the solemn occasion.

If it should be agreeable to yourself and the various congregations, and the citizens generally, to accept the tender of this building, you will be at perfect liberty to make such arrangements as to the speakers who will occupy the time, and also the singing and of the ceremonies connected therewith, as you may deem proper.

Yours very respectfully,

JOHN TAYLOR.

The Governor's reply declining the tender of the Tabernacle, for the reasons given in the text, was equally courteous. Both letters will be found in *Deseret News*—Weekly—of Oct. 12, 1881, p. 583.





As President Taylor's tender of the Tabernacle for union service was not accepted, the Latter-day Saints assembled there in large numbers, and solemn and impressive services were held amid the emblems of sorrow with which the interior of the building was draped. A full report was made of these services, including *verbatim* reports of the speeches and prayers, in the official organ of the Church,<sup>72</sup>

The press of the country was very reluctant to give a hearing to the Mormon side of the controversy then literally raging. It was only here and there that a voice was heard to say a word on the Mormon side, and when this was done it was usually attended by such modifications and apologies as to rob it of its force. *Harper's Monthly* for October, 1881, admitted an article by Judge Charles C. Goodwin, who had recently become the editor of the Salt Lake *Tribune*, then a very bitter anti-Mormon sheet; but refused to receive an article in reply from the then editor of the *Deseret News*, Charles W. Penrose.<sup>73</sup> Judge Goodwin's article, to say the least of it, was reckless in statement, and extreme in its conclusions in respect of Utah affairs. One can but think that the writer of it—then newly arrived in the Territory,<sup>74</sup> and from a veritable hot-bed of rank apostates and of anti-Mormonism—western Nevada—accepted without serious investigation the street talk, the current apostate reports, and anti-Mormon gossip at full-face value, instead of at their necessarily large discount value.

He incorporated in his narrative, for example, the untruthful story of a young Presbyterian minister, Rev. Duncan J. Mc-

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72. *Deseret News*—Weekly—of Oct. 5th, 1881. The services were held as per the appointment of President Arthur, on Monday, the 26th of September. George Q. Cannon who was on terms of intimate, personal friendship with President Garfield (who was acquainted with a number of the early elders of the Mormon Church, among them Sidney Rigdon and Parley P. Pratt), said at the services in referring to the supposed hostility of President Garfield to Mormonism:—

"He may have been willing to talk against us; he did in his inaugural message; but I always thought that if President Garfield could be brought face to face with any question affecting us, and matters could be laid fairly before him, he was a man of too high and too just a conception of right, to do even a humble and obscure people like we are—a people who have been maligned and who are unpopular as we are—an injustice knowingly. That is my estimate of his character." (Id. p. 562.)

73. Letter of Matthias F. Cowley to the St. Louis *Globe Democrat* Feb. 5th, 1882, and Whitney's Hist. of Utah, Vol. III, p. 173.

74. See Biographical sketch in Hist. of Utah, Vol. IV, Biographies, p. 341.



Millan, who came to Utah a few years before to regain his health, and whom Brigham Young in a public meeting "ordered killed," and whose life was several times attempted under that order, and for no other reason than that said Rev. McMillian "opened a school" to teach the illiterate young Mormons of San Pete County! "He went to San Pete Valley," runs the Judge's narrative, "*where there were no schools,*"<sup>75</sup> where there were boys and girls nearly grown to manhood and womanhood who were totally ignorant of the rudiments of an education, and opened a school."<sup>76</sup>

In relation to Brigham Young in a public meeting,—where two thousand people were assembled,—ordering the young minister "to be killed" for establishing schools, one would think the story would break down by the mere statement of it, on the ground of its improbability. But not so. Judge Goodwin seriously undertook to establish the truth of it in one of a series of *nine editoria's* in the *Salt Lake Tribune*, written in defense of his Harper's magazine article, wherein he gives a more circumstantial narrative of the meeting at which the "order to kill" was given, and of the several attempts to make the order effective.<sup>77</sup>

75. I follow strictly the text of *Harper's Monthly* here, Oct., 1881, p. 758; and call attention to the fact, because when excerpts of this article were made by the compiler of "The Hand Book on Mormonism," the Rev. J. M. Coyner, he wrote it—"there were *no American Schools*," (Hand-Book, p. 46) which represents the quibble by which the "divine" would help out the Judge, whose statement in either case was a gross untruth as will appear in a note that immediately follows.

76. The statement that there were no schools in San Pete county until McMillian went there and founded them, brought forth indignant denials from the leading citizens of San Pete county. Wm. T. Reid who was superintendent of schools in said county from Nov., 1867, until August, 1877, made affidavit that in the year 1867 there were 1,130 pupils enrolled in said schools, with an average daily attendance of 794; while in 1877 the number of pupils enrolled was 1,860, with an average attendance of 1,312; that these schools were in sessions eight months during each year. Other affidavits published at the same time declare that schools were founded in Mt. Pleasant, same county, and where Rev. McMillian was located, as early as the spring of 1859; and that from the winter of 1859-60 to the date of the affidavit, from one to four schools had been in constant session except at short intervals; and that three schools were in session in the spring of 1875 when McMillian arrived at the place. This affidavit is signed by eight original settlers of Mt. Pleasant, one of them, Mr. John Waldemar, a non-Mormon. Three citizens testify to substantially the same school conditions obtaining in Manti; and one other to the existence of schools from 1850 in Manti, when the place was founded. See affidavit of all these parties, and others, *Deseret News*—Weekly—of Jan. 11th, 1882, p. 790.

77. These editorials numbered from I to IX appear in the *Salt Lake Tribune* from Oct. 1st, to 9th, 1881. The editor heads them "chapter I, II, VI, and so following to chapter IX, In the March number of the *North American Review* Judge



It is in the *Tribune* impression of Oct. 6th that Mr. Goodwin deals with Young's order to kill McMillan and the alleged attempts upon his life. After detailing the narrative he says: "The foregoing is a simple statement of facts, gathered from the note book of the man who was assailed (i. e. Rev. McMillan), who sat by and heard Young's denunciation and Geo. Q. Cannon's endorsement of all his chief had said." This throws the responsibility for the story of the "order to kill" upon McMillan. It is in this editorial that the judge alleges that 2,000 people constituted the congregation, and fixes the date of the meeting on the 22nd and 23rd of July, 1875. The attempts upon McMillan's life are thus stated: "The next night (i. e. following the meeting at which the "order to kill" was given), McMillan's house was stoned; and the next night a murderer seeking entrance into the house was driven away with a pistol. Later an ambuscade was laid for the minister, which he escaped by taking another road."

Against the statement of Judge Goodwin, based, as may be seen upon the representations of McMillan, eight reputable citizens of Mt. Pleasant, among them John Waldermar, a non-Mormon, made affidavit to the following effect: That they were present at the meeting held in Mt. Pleasant, at which Brigham Young is said to have instructed his hearers to kill the young Presbyterian minister, Duncan J. McMillan; that no such instruction was given, that no attempts to the best of their knowledge were ever made upon the minister's life, and that he, Duncan J. McMillan, publicly declared such statements to be untrue.<sup>78</sup> This

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Goodwin had an article on "The Political Attitude of the Mormons" which had attracted considerable attention, and doubtless opened the way for his article in Harper's Magazine in October. An able review is made of the "North American" Article in the Editorial columns of the *Deseret News-Weekly*—of March 2nd, 1881; and George Q. Cannon was permitted to answer the Goodwin Article in the May number of the "Review." Among many corrective statements that he made was one in respect of the Utah Schools, as follows: "The average duration of school days in all the States and Territories per year is 126.8; while in Utah it is 146; it stands eleventh in this respect in the list. Of a school population, nearly two years ago, of 34,929, there were 66 per cent. enrolled. At that time there were 373 public schools, and an average daily attendance of 47 per cent. The text books are principally those used in the other parts of the republic. Schools there have received no aid from the parent government."

78. See *Deseret News-Weekly*—of Jan. 11th, 1882, p. 790. "Affiants declare that no such orders were given in the meeting referred to, neither has there, to the best of our knowledge, ever been made any attempts upon the life of said D. J.





man, McMillan, as will be seen by reference to note 78 had been represented as the minister who in barbarous Utah had been compelled "to preach with pistol in one hand and Bible in the other." The story was made to do service in the East, primarily to exhibit the personal heroism of the sectarian ministry in Utah, and incidentally, no doubt, to increase the missionary funds for the redemption of poor Utah. It had its origin with one Rev. C. P. Lyford, a minister of the Methodist Episcopal Church who first reported it as being his own experience.<sup>79</sup>

McMillan while here, and the statement of C. C. Goodwin, in relation to these things is utterly false and without foundation in truth.

Affiants further declare, that at a public meeting held at Mount Pleasant, Rev. Duncan J. McMillan voluntarily made the statement that certain articles published in the *Rocky Mountain, Christian Advocate*, and copied into other eastern journals, where among other things it was stated that he had to preach in this country with pistol in one hand and Bible in the other, and also that several attempts had been made upon his life, were published without his knowledge or sanction and were untrue. And he there and then promised to published said statement in the journals of this Territory, which promise, however, he never kept. [Singed] Wm. S. Seely, Wm. F. Reynolds, Niels P. Madsen, John Waldermar, (non-Mormon) C. J. Anderson, Jens C. Nielsen, Niels Johansen, Charles Hampshire."

Previous to this, namely on the 14th of Dec., 1881, affidavits to the same effect as the above were made by leading citizens of Ephraim, San Pete county, respecting the appearance and kind reception of McMillan in Ephraim, of no violence threatening against him and the existence through many years of "rudimentary schools" signed by Canute Peterson, member of the Territorial legislature; Henry Beal, selectman; N. C. Christensen, school trustee; Christian A. Lasson, (non-Mormon); Anthon H. Lund, school trustee; C. C. N. Dorius, school trustee. The affidavits will be found in full in the *Deseret News* of Jan. 4th, 1882.

79. See *Deseret News*—Weekly—of Jan. 11th, 1882; also of Sept. 21st, 1881, page 536. In the last citation the following occurs. "The pistol story is a Presbyterian plagiarism of a Methodist fiction. It was started by one Lyford, . . . Who for a short time was the Methodist preacher at Provo. He made it very profitable. . . . He made it out of his own head, while McMillan merely borrowed and adopted it or allowed others to do it under his name and tacit consent. . . . When spoken to by the local authorities about this fabrication, which McMillan has permitted to be told over and over again, and which there is every reason to believe he has himself repeated while on a tour to collect money in the East, he has assured our brethren that he never authorized the publication of such absurd stories, and promised that he would correct them; this promise, so far as known, he has never kept." Lyford was the author of several anti-Mormon tracts and books the principal of which is "*The Mormon Problem*"—1886—"The result of thirteen years of careful study, and research, four of which was spent in Utah." Preface. See also the Tennessee Massacre and "Its Causes," a lecture by John Nicholson—1884—p. 14. L. D. S. Pamphlets, Vol. III, Historian's Office Collection. To the same period belongs the story of annoyances from rowdy boys upon the Rev. S. L. Gillespie, a Presbyterian missionary stationed at Brigham City, which in anti-Mormon literature is charged up to the Mormon persecution of the "Christian Ministry," of Utah. The facts are that while rowdy boys were guilty of some disturbance of the divine's peace, they were punished for it, and police protection was accorded to him. His statement of these petty annoyances greatly exaggerated them. See published and signed declarations by citizens of Brigham City, under date of Oct. 5th, 1881, *Deseret News*—Weekly—of Oct. 19, 1881, pp. 598-9. Also impression of same paper,



The exposure of McMillan through the affidavits of leading citizens of San Pete county did not deter the gentleman from continuing his mendacity, for on the 31st of April, of the same year of his exposure, in the city of Denver, Colorado, he delivered himself practically of the same story. Indeed he was introduced by the local minister in Denver, Rev. Mr. Hayes, as "the man who carried the Cross into the camp of the Danites in the face of death, and preached the gospel of Christ with his hand on his pistol." McMillan on the occasion repeated the story of Brigham Young ordering his death, and of the assaults upon his house, when he "forgot he was a minister and thought only of his pistol!"<sup>80</sup>

In addition to this agitation through the press, the state legislature of Georgia proposed the enactment of a law supposed to be necessary to protect the people of that state from the alleged aggressive propaganda of Mormonism. Accordingly a bill was introduced described as an "Act to make it a felony for any person, by persuasion or otherwise, to attempt to mislead or influence another to the commission of the crime of bigamy or polygamy." The bill passed its first reading by a vote of thirty-five to four; but it was not again brought before the legislators.<sup>81</sup> Threats of mob violence towards the traveling Elders of the Church were frequent in various parts of Georgia, and in other Southern States, following this anti-Mormon agitation of 1881.<sup>82</sup>

Various plans, regarded as more or less concrete, were suggested through this period for the solution of the "Mormon Question." Here is one from the Chicago *Interior*, an organ of Presbyterianism:

"Let the lands and tenements of the Mormons be thrown open

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Sept. 21, 1881, p. 536. See also Nicholson's refutation of an alleged Mormon attempt to burn a Presbyterian Church at Logan, on the 30th of Nov., 1882. "Tennessee Massacre," etc., pp. 11-13, and Appendix, pp. 41-2.

80. "The Denver Republican," May 1st, 1882, quoted by *Deseret News—Weekly*—of May, 24th, 1882, p. 276.

81. See *Deseret News—Weekly*—of Oct. 5th, 1881, where the Georgia bill in full will be found; also impression of same paper Nov. 2, 1881, where failure of further action is stated by Letter from John Morgan, p. 632.

82. See statements in *Deseret News—Weekly*—of Oct. 5th, 1881, also Correspondence of Joseph B. Keeler from Georgia, *Ibid*, of Jan. 11th, 1882 *et passim*.



to original entry by civilized settlers. . . . Let it be understood that the army will keep out of the way in Utah for four years, and that the use and occupation of Mormon property for one year is to give a preemption title. There are enough young men in the West and South who are seeking homes to finish up the pest, fumigate the Territory, and to establish themselves in ninety days after the word 'go' is given."<sup>83</sup>

"*The Methodist*," another religious organ, suggested the following as a solution:

"We could, if we had the courage and the purpose, check Mormonism, at its central seat, by the use of the simple and perfectly natural system of colonization. In that way, in point of fact, Kansas and Nebraska were made free states. The Christian Church has the means and can lay its hands on the necessary agents. The work requires no high order of talent, no great statesmanship. The thing to do is to put Christian (or Gentile) voters into Utah, and the threatened adjacent territories, in such numbers as to just simply out-vote the Mormons. We do not need to go abroad for the bulk of these voters; they can be found at home. Ten millions of dollars, wisely expended, would probably settle the Mormon question."

The New York *Herald* some time before had suggested a plan very like this, so that it was not original with "*The Methodist*."<sup>84</sup>

In view of all the public agitation here described, and expressing itself in demands upon congress for action, and for action that meant at bottom effective, physical force, and never once appealing to the moral forces of persuasion and reason, much less to the spiritual power supposed to be resident in religion, it is not a matter of astonishment that congress listened to the clamor and sought to satisfy it by the enactment of special legislation. This was done by the Edmunds bill, introduced into

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83. The *Congregationalist* of Boston, made the following comment on the *Interior's* plan: "For a Christian journal to advocate wholesale robbery, which inevitably would be accompanied with more or less bloodshed, and the possibility of which would attract all the ruffians in the West and stimulate them to their worst deeds, is as amazing as it is wrong." (Both articles are quoted in the *Deseret News-Weekly*—of June 1st, 1881).

84. Both *The Methodist* and *Herald* plans are quoted in the *Deseret News-Weekly*—of June 29, 1881.





the senate as a report from the judiciary committee, by senator George F. Edmunds of Vermont,<sup>85</sup> on the 24th of January, 1882. The measure passed the senate on the 16th of February. Its opponents were senators chiefly from the southern states where the evils of carpet-bag rule—which the Edmunds bill proposed within certain limitations, to inflict upon Utah—had been felt during the reconstruction period following the war between the states.<sup>86</sup> But their arguments, able and even brilliant as some of them were, availed nothing. The shield they endeavored to hold over the prostrate Latter-day Saint community of the Territory of Utah—the constitution of the United States, citing its guarantees of religious freedom, and its provisions for the security of civil and political rights—was roughly pushed aside and the bill passed by a substantial majority.<sup>87</sup>

The senate Edmund's bill came up for consideration in the house on the 13th of March. The member in charge of it—Mr. Haskell, of Kansas, and his supporters, refused to have it referred to the house committee of the whole, and railroaded it through the regular sessions of the 13th and 14th of March, without allowing any amendments, or discussion of it worthy

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85. Edmunds was a Republican senator from Vermont 1866-1891. He was also a member of the electoral commission that settled the Hayes-Tilden presidential contest of 1877; and was acting Vice President of the United States, 1883-5.

86. The only northern senator who took part in the debate against the Edmund's bill was George H. Pendleton (Democrat) from Ohio, afterwards U. S. Minister to Germany under Cleveland's first administration—1885-1888. The other senators who took part in the debate against the Bill were Senators George G. Vest, of Missouri; John T. Morgan, of Alabama; Wilkinson Call, of Florida; Joseph E. Brown, of Georgia; Lucius Q. C. Lamar, of Mississippi; Senator Lamar, who afterwards became secretary of the Interior in Cleveland's first administration, 1885-1888, and Associate Justice of the Supreme Court of the United States after that—was ill at the time of the Senate debate, but rose from his sick bed and went to the senate chamber to register his protest against the proposed legislation, which he did in the following passage: "*Mr. President*, I am not only opposed to the provisions which have already been discussed so ably by gentlemen, but to the policy of the legislation which the committee propose. In my opinion, sir, it is a cruel measure, and will inflict unspeakable sufferings upon large masses, many of whom are the innocent victims of a system. I do not think that the bill has been sufficiently considered in view of the importance of its provisions. With this simple declaration I shall not detain the Senate longer."

The debate occurred on the 15th and 16th of February, 1882. See Congressional Record of those dates.

87. The yeas and nays were not called on the final passage of the bill; but several votes on proposed amendments shows that those who stood for the bill substantially as reported from the judiciary committee, and as finally passed by the senate were about 42 to 25; and 44 to 25 (See *Congressional Record*, 47th Congress, 1st Sess., pp. 1216-1217).



of the name. It was passed on the 14th by a vote of 199 yeas, 42 nays, 51 not voting.<sup>88</sup> The enactment was approved by the President on the 22nd of March, and the "Edmund's bill" became a law.

The Edmunds law was an amendment to the anti-bigamy law of 1862. It defined polygamy as a crime—every person who has a husband or wife living—who hereafter marries another, whether married or single, and any man who simultaneously, or on the same day, marries more than one woman . . . is guilty of polygamy. The penalty was the same as the law of 1862, \$500 fine or five years imprisonment, or both in the discretion of the court.

It defined polygamous living as unlawful cohabitation, making it a misdemeanor, and punishable by a fine not to exceed \$300, and by imprisonment not to exceed six months, or by both fine and imprisonment at the discretion of the court. The offense might be joined with prosecutions for both polygamy and unlawful cohabitation.

It excluded from jury service those who had been living in the practice of bigamy or polygamy or unlawful cohabitation, and made it sufficient cause of challenge to any juror who *believed* it right for any man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman.

Section eight provided that: "No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at

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88. "On the Morning of March 14th, the House of Representatives resumed consideration of the Edmunds bill, and a great deal of time was consumed in determined efforts to shut off all debate and prevent the presentation of any amendments to the bill. Much disorder occurred and the speaker was under the necessity of requesting members to take their seats so that business might proceed. Some of the strongest supporters of the bill contended for the right of their opponents to discuss the measure, and showed the injustice of demanding the previous question in thus putting a gag upon the House. After a prolonged squabble a compromise was reached to this effect: That one hour should be allowed for amendments and debate under the five minute rule; that the previous question be then ordered, and one hour for further debate be then allowed, to be equally divided between the friends and opponents of the bill. This was adopted by unanimous consent." (*Deseret News*—Weekly—of April 5th, 1882, Congressional Record, House proceedings for March 13th and 14th, pp. —.



any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States."

Section nine declared all registration and election offices vacant, and until other provisions should be made by the legislative assembly, the duties of said registration and election officers were to be performed by a board of five commissioners appointed by the President with the advice and consent of the Senate, not more than three of whom were to be of one political party. A majority of the commission was to constitute a quorum, and the secretary of the Territory was to be the secretary of the board. Every duty relating to registration of voters, the conduct of elections, the receiving or rejection of votes, canvassing and returning the scene, the issuing of certificates or other evidence of election, until otherwise provided for by the Territorial legislature, was to be performed under existing laws, by persons appointed by the above mentioned commission. The canvass and return of all the votes at election in said Territory for members of the legislative assembly were to be returned to said board who were appointed to canvass all such returns, and issue certificates of election, which should be the only evidence of the right of such persons receiving them to sit in the assembly; but no person was to be excluded from voting on account of any *opinion* he might hold with reference to bigamy or polygamy; and each house of the assembly after its organization was to have power to decide upon the qualifications of its members; and further more after its first meeting might make such laws, not inconsistent with the organic law of the Territory or of the laws of the United States, as it might deem proper for filling the registration and election offices as had been declared vacant by the Edmund's law.

The issue of polygamous marriages—if said marriages had been solemnized according to the ceremonies of the Mormon Church—born before the 1st of January, 1883, were legitimated; and the President of the United States was authorized to grant amnesty to those guilty before the passage of this act on such conditions and under such limitation as he might think proper;





but said amnesty would not be effective unless said conditions were complied with.<sup>89</sup>

That the law violated the right of trial by jury as commonly understood;<sup>90</sup> and the American principle of local self-government, the latter by setting aside the Territorial registration and election officers and giving power to a returning board to appoint such officers, and to otherwise conduct the Territorial elections—admits of no question, nor reasonable defense.<sup>91</sup>

Undoubtedly the unseemly haste with which this measure was rushed through the senate and the house, and especially in the house, was to make it section eight, making it unlawful for a polygamist or any person cohabiting with more than one woman to hold any office or place of public trust in any Territory or under the United States—applicable to the case of Hon. George

89. The law complete is published in compiled Laws of Utah, 1888, pp. 110-113.

90. Judge Jeremiah S. Black—before extensively quoted—when later commenting on this feature of the Edmund's law said: "Trial by Jury means by a jury of the country, the peers of the party, selected impartially from the general population, so as to represent a fair average of the public understanding and moral sense. That is the kind of jury that every man is entitled to have who pleads not guilty, and puts himself on God and the country for trial. That is the meaning of the word 'jury' as used in the decrees of Alfred, the statutes of Edward the Confessor, Magna Charta, the Petition of Rights, the Bill of Rights, and the American Constitution. In that sense it is used by all English-speaking peoples, and with that sense attached to it the institution has been adopted by other nations. The right of trial by jury is withheld by the Edmunds law, or given in a mutilated form, which makes it hardly better than a military commission, 'organized to convict.' . . . A Juror may be questioned on his oath whether 'he believes it right for a man to have more than one living and undivorced wife at the same time or to live in the practice of cohabiting with more than one woman?' If he refuses to answer, or answers in the affirmative, he is conclusively presumed to be one of the people, and must be rejected; but if he replies 'No,' he has spoken the watchword of the inimical faction, and he is admitted, because his ascertained hostility to the party accused and all his class may be relied upon as an element of his verdict." (Federal Jurisdiction in the Territories, Black, 1883, p. 21-22).

91. Commenting on this feature of the law Judge Black said: "When I first read this law I did not believe that its supporters really wished it to operate upon any but persons who might be legally convicted of offences *thereafter* committed. The words are capable of that construction, and it is not fair, if it can be avoided, to suppose that a legislator intends to violate the Constitution. But the debates show that I was mistaken upon the matter of fact. The actual intent was to make it *ex post facto*. The Commissioners so understood it, and they were subservient enough to carry it out. They gave it a retroactive effect, which reached back for a whole generation, and laid its punitive lash not only on men who were convicted, but upon men (and women, too) who could not be convicted, because their offences were condoned, because they were protected by the statute of limitations, or because they had been already tried and acquitted. Nothing was a defense against this iniquitous act, which suddenly, without warning or trial, reached back, like the terrible hind hand of a gorilla, and throttled all that it grasped. An argument certainly cannot be necessary to prove that this is an outrage on the Constitution as well as on the principles of natural justice." (Id. p. 23).



Q. Cannon then pending in the house; for at the time of its passage on the 14th of March, and when signed by President Arthur on the 22nd of the same month, the Cannon-Campbell contest had not yet been settled, nor was it decided until after the Edmund's bill became a law. When the contest case came up for consideration a number of the representatives confessed that the passage of the Edmund's law had materially affected their attitude in respect of the Utah delegate's contest. That whereas before the enactment of the Edmund's law they had favored the seating of Mr. Cannon, they now could not consent to vote for him.<sup>92</sup>

The final act in the Utah contest case came up on the report of the house committee on elections on the 18th and 19th of April, 1882. The committee submitted three resolutions to the house as follows:

*“Resolved—That Allen G. Campbell is not entitled to a seat in this Congress as Delegate from the Territory of Utah.*

*Resolved—That George Q. Cannon is not entitled to a seat in this Congress as Delegate from the Territory of Utah.*

*Resolved—That the seat of Delegate from that Territory be and is hereby declared vacant.”*

To these resolutions an amendment was offered by Mr. Moulton, of Illinois, as follows:

*“Resolved—That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to a seat as Delegate in the Forty-seventh Congress.”*

The debate during the two days, 18th and 19th of April, covered a wide range respecting the powers of the general government and the right of the people of the Territories; much of it was bitter and personal. In the midst of it all, however, the delegate from Utah had a number of strong friends who ably defended his rights;<sup>93</sup> and towards the close of the debate Mr.

92. Congressional Record, 19th of April, house proceedings. Cannon's speech, pp. 3045 *Et seq.*

93. Among these were Mr. Davis, of Missouri; Mr. House, of Tennessee, who made an exceptionally able speech; Mr. Jones of Texas; Mr. Bragg of Wisconsin; and Mr. Moulton of Illinois. In the course of his speech Mr. House at one point put the whole case for Mr. Cannon in the following terse manner, that exhibits the brutally arbitrary spirit in which the house was acting:

“Their right [i. e. of the people of Utah] to elect is fixed by law by which



Cannon by unanimous consent was given the opportunity to address the house for one hour.<sup>94</sup> When Mr. Cannon arose to speak, every member was in his seat, and the galleries were crowded. There was substituted for the noisy confusion of the previous debate a silence that was painful. He is described by an eye witness as being very pale when he began to speak, nor is it matter of wonder that he was. For many months he and his people had been the object of fierce attacks from the press and the pulpit of the entire country, and for two days in the house of representatives a bitter assault had been made upon him and his constitutional rights by men of trained minds, and of keen, forensic skill, zealous to meet the demands of their respective

the seat of their Delegate when elected is assured to him, yet after the people exercising this lawful right, and in strict compliance with the statute, have gone to the trouble and expense of electing a man possessing all the qualifications which the constitution prescribes for a member of the House of Representatives, yet, when he arrives in Washington, presents his credentials, and asks to be allowed to take his seat, he is told, "We know the law gives your Territory the right to be represented by a Delegate; we know you were duly and legally elected to that position; we admit that you possess all the qualifications that the Constitution requires a member of the lower House of Congress to possess, yet you do not suit our taste, or caprice, or the standard which we have erected outside the law, and therefore we have concluded not to admit you. We claim the right to arbitrarily exclude you. We have, therefore, Mr. Delegate, proposed for the adoption of this House the following resolutions:

"Resolved, That George Q. Cannon is not entitled to a seat in this Congress as a Delegate from the Territory of Utah.

"Resolved, That the seat of Delegate from the Territory of Utah be, and the same hereby is, declared to be vacant.

"Go tell your people that the Forty-seventh Congress is capable of taking that position, and—

"If any fool should ask thee,  
Why we wear the crown;  
Tell him we wear the crown  
Because—it fits our head."

The leaders of the debate for the majority report of the committee were Mr. Calkins of Indiana, who had charge of the resolutions and the debate for the majority; Mr. Hazelton, of Wisconsin; Mr. Jacobs of New York; Mr. Pettibone, of Tennessee, Mr. Horr of Michigan, Mr. Miller of Pennsylvania. Mr. Thompson, of Iowa, was the one member who spoke in favor of Mr. Campbell's claims—his was a "lonely position."

94. It was a remarkable privilege that was granted to Mr. Cannon. It should be remembered that he had not been allowed to be sworn in as the delegate from Utah, nor in any sense to take his seat. He won the unusual privilege, doubtless because he sprung his request at the last moment of the debate, when the previous question was about to be moved, after which Mr. Calkins in charge of the election committee's report, was by previous arrangement, to be granted an hour in which to close the debate. The request came in the way of a surprise. It speaks well for the sense of fair play on the part of the house that it was granted. It is a remarkable evidence also of the esteem in which Mr. Cannon was held in the house that such a privilege should be accorded to him.





constituencies and the requirements, it must be admitted, of public opinion throughout the United States. And now there was one voice to be heard against the tumult of millions. And the pathos of it all lay in the fact that it would avail nothing beyond being a protest against injustice. Mr. Cannon stood as some noble stag of the forest whom horns and hounds had pursued and brought to bay. The fight, as a spectator would think, would be a noble one, worthy of the monarch of his race, but the end is known—the stag will succumb to the dogs and the huntsman. And so with the gallant gentleman from Utah, he would be overwhelmed by weight of numbers, no matter how excellent his defense, or howsoever righteous his cause.

Another thing which added a tinge of sadness and of heroism to the occasion, was the fact that a great wave of sorrow had passed over the head of the delegate from Utah during these anxious weeks of the contest; but which, because it is strictly personal to the delegate, would not be mentioned here but for the fact that it gives a glimpse of the character of the women of the New Dispensation too valuable to be lost in the sum of things that make up this History. This was the death of Mr. Cannon's wife, Elizabeth Hoagland Cannon, on the 25th of January. Her health had been failing for about two years, and such was the greatness of her suffering that she implored her friends to pray to the Lord that her suffering might cease and that he would take her to himself. No personal consideration that could be named would have kept the Utah delegate from the bedside of this noble woman who had accompanied him upon a number of foreign missions, and who through previous terms of his office as delegate had been with him at Washington; but such were the interest of his constituents at the nation's capital, that George Q. Cannon could not feel at liberty to leave his post of duty on account of a personal sorrow, however great. And in this he was encouraged by the noble woman herself. Two days before her death she dictated to him the following telegraphic message, which is immortal in its classic sublimity:

*"Remain at your post. God can raise me up, if it is His will, in answer to your prayers there, as well as if you were here. All is being done for me that can be done."*



In addition to the absence of her husband at Washington, it was further cause of loneliness for her that two sons, eldest in the family, were absent on missions for the Church in Europe, one in England, the other in Germany. To these from her death bed she sent messages of cheer and admonition to faithfulness "in well doing." Such the woman who was wife to Utah's delegate—such the heroism of the women of the New Dispensation<sup>95</sup>

"As I have not prepared any written remarks," said Mr. Cannon in the opening sentence of his speech, "I will feel greatly obliged to members if they will allow me to proceed with what I have to say without interruption." "I would feel ashamed, Mr. Speaker," he said a moment later, "if I could get the opportunity that has been afforded me now, to go back,—should the house vote that this seat is vacant,—to my constituents without saying something in reply to the many charges which have been made against them by various speakers during this debate."

The next word placed him on magnificent fighting ground:—

"I am comforted Mr. Speaker, by one reflection: That Christianity which has been so much vaunted upon this floor, and which has been held up in contradistinction to that system which many of my constituents believe in, was itself a persecuted sect, and its Founder was crucified between two thieves. And from that day until the present every man who has ever stood among his fellow men to declare principles which came in conflict with popular ideas has, in almost every instance, had to lay down his life as a proof of the sincerity of his convictions concerning that which he has taught. There has been no end of false statements made on this floor concerning the people with which I am connected. But while this flood of false statements has been pouring over the country, concerning the people of Utah, scarcely a voice has been heard in their defense. Those who attempted to say something favorable concerning them in the first discussion which took place upon the Utah case were sneered at and

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95. Elizabeth Hoagland Cannon was the daughter of Abraham and Margaret Quick Hoagland, and born Nov. 3rd, 1836, in the town of Royal Oak, Oakland county, Michigan. She accompanied her husband on his mission to California, in 1855, the spring following their marriage; and again when he was called to take charge of the European mission in 1860, remaining with him until 1863. *Mill. Star*, Vol. XLIV, p. 121). A full account of her illness, death, history, character and obsequies will be found in *Deseret News—Weekly*—of Feb. 1st, 1882.



were derided and laughed almost out of the arena, to prevent them from saying a word respecting the morality, industry, the good order, or other good qualities the people of Utah possess."

Then followed an able review of Utah's history in congress, with a discussion of the contests that had taken place from first to last, including a refutation of many false charges made against the unloved people of Utah, and with which the reader of these pages is already acquainted. He also made a brief but able defense of the institution which constituted the head and front of Mormon offending, their marriage system; which, when the temper of the house of representatives and of the country at large is taken into account, was a bold thing to do, and one that required high, moral courage. At one point he referred very feelingly to the undesirable position he had himself occupied in coming to congress:—

"You know gentlemen, the position I have occupied here now for nine years, is one which no one capable of filling the place would desire to occupy. It is not pleasant to be made a target for every man who wishes to gain credit for his morality to aim his arrows at. In coming here, however, I have been sustained by the consciousness that I was at a post of duty where it was necessary for some one to represent the people, and that I had the solid support of my constituents."

In conclusion he said:

*Et seq.*

"I am a resident of Utah Territory and one of those people who are everywhere spoken against, and against whom many vile charges are made, as were made against their predecessors, the Church of Christ in the early days, and as Jesus predicted would be the case; yet I do respect my oath, and I pity any gentleman, who, with nothing to sustain him but popular sentiment, is willing to trample upon the Constitution and the law and to strike down a people against whom popular sentiment is strong."<sup>96</sup>

The speech occupied a little more than an hour. "Taken as a

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96. Congressional Record of 19th April, 1882, pp. 3045, *Et seq.*





whole," wrote one who listened to it from the galleries," the speech was delivered with great power, and several members, as they listened to the eloquent and pathetic appeals of the honorable gentlemen, were moved to tears."<sup>97</sup>

After the speech of Mr. Cannon one hour remained for closing the debate by members supporting the majority report of the house committee on elections. It was occupied chiefly by Mr. Cassidy of Nevada and Mr. Calkins, chairman of said committee. The vote was then taken on the resolution offered by Mr. Moulton, of Illinois, to seat Mr. Cannon, which was lost by a vote of 79 yeas, to 123 nays, 89 not voting. The vote was then taken on the resolutions declaring that neither Mr. Cannon nor Mr. Campbell was entitled to a seat in congress as delegate from Utah, and declaring the seat vacant. The resolutions were agreed to without the yeas and nays being taken; and the curtain was rung down on one of the most spectacular contest cases in the history of the American congress.

NOTE 1. GEORGE Q. CANNON'S CITIZENSHIP: The question of George Q. Cannon's citizenship grew out of an alleged defect in the court's record of his naturalization. He held a certificate of naturalization signed by W. I. Appleby, clerk of the United States first district court for the Territory of Utah, declaring in the usual form that on the 7th of December, 1854, George Q. Cannon, a subject of Queen Victoria, made application, and he was under eighteen years of age when he came to reside in the United States, and that for three years past it had been his *bona fide* intention to become a citizen; the said George Q. Cannon was thereupon admitted to citizenship. This the instrument alleges took place in the United States first district court for the Territory of Utah, the district including Salt Lake City, and afterwards known as the 3rd judicial district, but the daily journal of the first district court for that 7th day of December, 1854, gives no account of the naturalization of Mr. Cannon. It is of record in the minutes of said first district court, however, that on the 18th day of January, 1854,—nearly a year before the naturalization of Cannon—that the Judge of the first district, Judge Shaver, ordered the United States Marshall to procure a

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97. Letter of John R. Irvine, under date of April 21st, 1882, published in *Mill. Star*, Vol. XLIV, pp. 330-334.



suitable book with blanks printed therein for recording declarations, "for the use of this court." And in this book was recorded with other declarations and naturalizations, admission to citizenship of Mr. Cannon, of which the certificate he held was evidently a copy. It appears, however, that the said book was purchased by the clerk in 1851, and Mr. Campbell's contention was that it could not have been the book ordered by the court, in January, 1854. This is answered by the claim that the book was purchased in 1851, by the Clerk, merely for convenience, but that it was made the court record by the above mentioned and recorded order of Judge Shaver. Again it was objected by Campbell, Murry, *et al* that this book of entry for declared intentions and naturalizations was found among the records of the United States supreme court for the Territory, and not among the records of the first district court, a fact that carries with it little importance when it is known that W. L. Appleby was clerk of both the first district court, and of the supreme court of the Territory, during those years, and that both the district court and the supreme court admitted applicants to citizenship. Yet, because the record of this naturalization was in a separate book procured or adopted by order of the judge of the court instead of in the daily journal of the court, Governor Murry, acting with the conspirators against the people's rule in Utah, adjudged Mr. Cannon not a citizen, and gave the certificate of election to a man who received *less than one-thirteenth part of the total vote cast*.

One other objection urged to the validity of the naturalization of Mr. Cannon was that he had not been a resident of Utah Territory for one year last past preceding his application; nor had he for four years previous thereto resided in the United States as required by law. During the greater part of that time, though after a number of years' residence in Utah, where he had effectually established domicile of a person in which his habitation is fixed, without any present intention of removing therefrom, is so well settled, in jurisprudence that this objection was little relied upon, in the controversy, but every fact herein was established by testimony and numerous quotations and citations of authorities (see The Delegate from Utah, pp. 6-11, and Appendix p. xxxiii-xlvii; also articles in *Deseret News*—Weekly—of Jan. 19 and of June 22nd, 1882). The whole question of Mr. Cannon's citizenship, however, had been investigated and settled in the forty-fourth congress, when Mr. Baskin was the contestant. The committee on elections at that time, by unanimous vote, over-ruled the objection to Mr. Cannon's eligibility on the ground of defective naturalization, holding that the judg-



ment of the first district court of Utah on the point was conclusive, and under that ruling Mr. Cannon had retained his seat in that congress. (The Delegate from Utah, Appendix, p. ix); and as Mr. Cannon forcefully said on this point of his naturalization, in his speech on the floor of the house during the contest in the forty-seventh Congress—his last speech in the house—"there ought to be some time in a man's life when the statute of repose should intervene to prevent his being annoyed upon a question of that kind, especially after it had been so thoroughly investigated." (Congressional Record, 47th Congress of 19th of April, 1882).

**NOTE 2. JUDGE JEREMIAH S. BLACK ON FEDERAL JURISDICTION IN THE TERRITORIES:** It having been asserted, and indeed the then proposed legislation for Utah being based upon the assumption, that Congress had exclusive jurisdiction over the Territories—the old British claim that she could legislate for her American colonies "in all cases whatsoever"—Judge Black proceeds to enquire:

"Has Congress this exclusive power of legislation for a Territory? or does it belong to the people of the Territory and to the representatives whom they have chosen to entrust with it? I maintain that the right of local self-government is founded on acknowledged principles of public law; it existed before this government was framed, and the Constitution reserves it to the people of the Territories as distinctly as to the states. . . . I do not assert that they can govern themselves in a way forbidden by the Federal Constitution, or by an act of Congress passed in pursuance thereof. The people of a State cannot do that. What I do assert is, that Congress cannot legislate for a Territory on any subject-matter on which it cannot legislate for a State. This furnishes an easy and infallible test of constitutionality. If Congress may regulate marriage and divorce in a State, it may do so in a Territory; if not, not.

It is true, also, that the general government may give the colonists a charter, and call it an act of incorporation or an organic law. This was what the imperial government of England did for the several colonies that settled on its lands in America. But the charter must be a free one. If it abridges the liberty of the people to do as they please about matters which concern nobody else, it is void. Even if the colonists would consent, for a consideration, to accept an organic law imposing a restraint upon the right of self-government, they could throw it off as a nullity;





for the birthright of a freeman is inalienable. I need not say that foreigners naturalized are on a level with native citizens.

As Congress cannot give, so it cannot withhold the blessing of popular government in a Territory. But the legislation now proposed, in addition to that already passed, would blacken the character of the federal government with an act of cruel perfidy. The charter you gave to Utah was in full accordance with the broad principles of American liberty. You organized for them a free Territorial government, put into their hands all the machinery that was needed to carry it on; the ballot to be used under regulations of their own; officers chosen by themselves to administer their local affairs, collect the taxes and take charge of their money, and a legislature representing them, responsible to them, clothed with exclusive power to make their laws and to alter them from time to time, as experience might show to be just and expedient. Gilding your invitation with this offer of free government, you attracted people from every State and from all parts of the civilized world, whose industry scattered plenty over that barren region and made the desert bloom like a garden. Now you are urged to break treacherously in upon their security—supersede the laws which they approve by others which are odious to them; make their legislation a mockery by declaring that yours is exclusive; drive out the officers in whom they confide, and fill their places with raging and rapacious enemies; take away their right of suffrage, and with it all chance of peaceable redress; break down the whole structure of Territorial government, under which you promised to give them a permanent shelter. Would not this be a case of Punic faith?

. . . The relations of the colonies to Great Britain were precisely the same as those which exist between what we call the Territories and the general government of the United States. By the public law of the world, the colonies had the right of local self-government. The imperial parliament, omnipotent at home, was utterly without power to legislate on the domestic affairs of any community settled upon crown lands sold or given to them on this side of the Atlantic. This freedom was not only asserted by the colonists, but for more than a century they were allowed to enjoy it without disturbance. The exclusiveness of their right to legislate for themselves, the extent to which it was exercised, and the range of subjects it embraced are known to all who have read their history.

Previous to this Judge Black had in the same speech said:

It is perfectly clear that if your claim to exclusive jurisdiction be established, so as to comprehend the power to punish



men and women for making family arrangements which you disapprove, you have authority to define all offences; anything is a crime which you choose to call so, and everything is innocent which you think proper to tolerate. You may therefore make an entire criminal code for them, and you may make it as pernicious as you choose. It need not be "a terror to evil doers, or a praise unto them that do well," if you wish to have it otherwise. The virtues may be visited with penalties; justice, chastity, temperance and truth may be sent to the penitentiary; swindling and perjury may be legalized. Taking the exceptional jurisprudence of Sparta as a model, larceny may become a merit, or following a more recent precedent in the congressional government of the South, you can maintain the worst men in the highest offices, throw the reins loose on the neck of rapacity, make leprous fraud adored

"Place thieves  
And give them title, kneel an approbation  
With senators on the bench."

If you have not only the right, but the exclusive right, to do this, it must be acknowledged that there is no use for a local government; it is merely in your way, and accordingly you have already begun to abolish it. Agents appointed under your laws have gone down with instructions to take possession of all the polling places and registration offices, and the people were expressly forbidden to vote except by their permission and under their supervision. They construed your law as a bill of pains and penalties, which attained the whole population, and they ordered every voter to be disfranchised who would not take an expurgatory oath that covered his whole life. Another set of agents assert that they have your direction to seize all the Territorial offices, and distribute them as booty among the enemies of the people. One more step, an easy and a short one, you are much urged to take, and that is to send a commission upon them, with power, not only to supervise them when they vote, and deprive whom they please of the ballot, but to make and execute all laws on every subject, and to govern them generally as an overseer might govern a plantation of slaves.

Of course it is possible that the Territory might be controlled justly, wisely and moderately by the hirelings of the Federal Government. But the chances are a thousand to one that they would act as persons in that situation have always acted—oppress and plunder their subjects, steal their money, and tax



their industry to death. This might provoke the resistance of the most patient people, and the first symptom of disorder would furnish a legal excuse for cutting them up root and branch. Arbitrary rulers pardon nothing to the spirit of liberty.

(From Speech of Judge Black before House Committee on Territories, 1st Feb., 1883. Pamphlet, p. 10-11-12-13-14).

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## Historic Views and Reviews

### "THE POWER TO RIGHT OUR WRONGS"

BY ANNA FITZGERALD VAN LOAN

We acknowledge the receipt of a copy of "The Power to Right Our Wrongs," written by Anna Fitzgerald Van Loan, and after a careful perusal of the same, we take pleasure in commending it to the attention of all who desire to keep up with the trend of all those influences which tend toward social uplift, a *truer democracy*, more justice in *industrial affairs* and a more *practical method* for the establishing of *international peace* by a "Peace Force" to enforce peace compacts and an accepted Board of Arbitration.

Mrs. Van Loan has done her work well, and throughout each chapter of this excellent book has shown a perspicacity and comprehension of American social and economic conditions both bad and good, as well too of International affairs that will, we are assured, meet with the confidence and commendation of every one of her readers.

We cannot refrain, at this time of war and devastation in Europe, from referring particularly to the chapter "An International Peace Force," because it has in it so much that is worthy of careful consideration.

America's opportunity to use her influence for peace will not come until some one of the giant war lords, now engaged in such cruel public murder, shall have become exhausted and shall be willing to join with the countries with which the United States has already treaties of peace and arbitration, and, so combining, aid in establishing an "International Peace Force," which, says the authoress, shall enforce peace compacts and insist that all disputes arising between these nations shall be settled at their



accepted Court of Arbitration, "and in case of any one of them refusing to do this, then such power should be *confronted by the united forces of all* the nations of the globe, both small and great, acting in the capacity of a police force, until the refractory nation should consent to settle the quarrel at the stated Court of Arbitration."

"Had Austria been given the alternative of settling her dispute with Servia at the Hague or of confronting the forces of the nations there represented, her attitude in all probability would have been different."

And the authoress goes on to make an interesting argument in behalf of the "principle that national peace must be maintained by force," as was "demonstrated during the Boxer rebellion" when certain nations united "their armaments to enforce peace in China."

"What was accomplished," says the authoress, "in one instance might also be effected again in behalf of international peace," and in answer to the contention "that the interests of different nations are too varied for them to unite for the formation of international force for the prevention of warfare," she replies that they did unite to protect interests in China; "it is obvious that it would be wiser still for them to unite to protect interests" of far greater value to all concerned.

In referring to the "Twenty-six nations (I think the number is Twenty-eight) who have recently signed 'Peace Treaties' with the United States," she says, it is stipulated in these compacts that in case of disagreement between the parties to these treaties there is to be no war *until one year is passed* in efforts to *successfully arbitrate the questions involved*.

The book has a hopeful, well-balanced Christian spirit throughout, and in this sense recommends itself strongly to readers of Christian literature.

J. C. PUMPELLY.



#### THE NATIONAL CYCLOPEDIA OF AMERICAN BIOGRAPHY

Another volume of the National Cyclopedic of American Biography has been issued by the publishers, Messrs. James T.



White & Co., making the fifteenth in the series. This great undertaking was begun over a generation ago, and the test of time has given the published volumes a standing in the literature of our country comparable with that of the Century Dictionary or the Encyclopaedia Britannica, which are likewise the recognized leading authorities in their respective lines.

For various purposes we have found the National Cyclopaedia of American Biography a most helpful work of ready reference. In the frequent use that we have made of it we have been struck by the thoroughness of its editors in gathering biographical material, by the completeness with which they have covered the entire field of history and biography, and by the dependableness of the records and statements of fact.

Volume XV now before us is a large book, over three inches thick, and contains the biographies of something like 1,000 contemporary Americans, some still living, and some who have passed away within the last few years. The biographies are noticeably longer than those of the earlier volumes, but the subjects being so largely contemporary the additional details are sure to prove of interest to the future student and historian. In some cases we find rewritten and more adequate biographies of subjects published in a previous volume. That such a re-arrangement is possible is due to the non-alphabetical arrangement of the Cyclopaedia, giving it a decided advantage over the general cyclopedias by permitting it thus to be always kept up to date.

A distinguishing feature of the present volume is the new styles of portrait illustrations and the additional space devoted to them. The publishers have announced the discontinuance of the small marginal picture and the substitution of a larger size portrait made by either the half-tone or engraved plate process. There is, moreover, a much larger proportion of the full-page pictures, and some kind of a portrait illustration accompanies practically every biography in the book. This in our opinion is a most valuable feature, and the publishers are to be congratulated upon their method of handling it. In these modern times a biographical sketch without a portrait is almost unthinkable. The preservation of the portrait of an individual even without





the biography is becoming a universal custom, as witness the collections of the various patriotic societies and the organizations of national scientific and commercial bodies, such as our Chamber of Commerce, the American Society of Civil Engineers, and the St. Nicholas Society, which recently has been searching the whole world for any kind of portrait of some of its early presidents. The National Cyclopedia of American Biography unquestionably contains the most complete collection of historical portraits ever gathered together by any nation, and the very great value of these life-like facial representations, preserved by the art of photography in the pages of such a publication for the benefit of posterity, is incontestable.



# AMERICANA

April, 1915

## Chapters in the History of Halifax, Nova Scotia

NO. I—THE FOUNDING OF HALIFAX IN 1749

BY ARTHUR WENTWORTH HAMILTON EATON, M. A., D. C. L.

When England's power at last would be complete  
On all the tide-washed shores of Acadie,  
She sent Cornwallis with a friendly fleet  
To found this goodly city by the sea.

*Fourth and final illustration, London, for Acadian Ballads.*

THE history of Nova Scotia has an interest wholly disproportionate to the size and remote geographical position of the small peninsula which with the island of Cape Breton constitutes the present province bearing that name. Of the nine British provinces that compose the Dominion of Canada, Nova Scotia stands lowest but one in point of size, but on the stage which her comparatively small land area presents have been enacted some of the most striking events which find place in the drama of American history.<sup>1</sup> It was the peninsula of Nova Scotia that formed the chief part of the ancient French province of Acadia, it was here that the first permanent European settlement except Jamestown, Virginia, was made, and it was from the wooden walls of this new world Port Royal, that the white flag of the Bourbons, proclaiming France's ownership of Acadia, long flew to

1. The province of Nova Scotia (with the island of Cape Breton) comprises 21,428 square miles, or 13,713,771 acres. It has a total population of 492,338. Of this number, 122,084 are in the island of Cape Breton, 370,254 in the peninsula. The city of Halifax, together with Dartmouth, its main suburb (across the harbour), has a population of 51,677. The city itself, however, has only 46,619. Of other towns, Nova Scotia has but six that have populations of over five thousand, these are: Sydney, 17,723; Sydney Mines, 7,470; New Glasgow, 6,383; Truro, 6,107; Springhill, 5,713; North Sydney, 5,418.



the breeze. In the island of Cape Breton, which for many years now has been part of Nova Scotia, though it was originally not comprehended in Acadia, France reared her strongest fortress in the new world except Quebec, and it was in the present province of Nova Scotia at large, as at Louisburg and Beauséjour, that some of the most vigorous military movements which resulted in the complete overthrow of French power on the continent were pursued.

In the tragedy of the expulsion of the Acadians from the shores of Grand Pré in 1755, Longfellow found the theme for a narrative poem of remarkable beauty, the world-famed *Evangeline*, but almost from the beginning of New England, Boston enterprise had found play at various spots on the Acadian seacoast, and at last in 1760 a tide of New Englanders, from Massachusetts, Rhode Island, and Connecticut, swept into Nova Scotia and made the desolate Acadian farms and many never previously cultivated places in the province blossom as the rose. At the Revolution, between 1775 and 1783, from thirty to thirty-five thousand Loyalists for a longer or shorter time found refuge in Nova Scotia, and here, in the old province, or in that part of it that in the latter year, on the demand of the Tories was set off as the province of New Brunswick, a very considerable number found all the scope that remained to them for the rest of their days for the distinguished abilities they had manifested in their native provinces—abilities which, directed in favor of England, had made them supremely hateful to the leaders of the American cause.

In the year 1749 George II. was on the throne of England and Louis XV. on the throne of France. On the eighteenth of October of the preceding year the long, wasteful struggle between France and England known as the "war of the Austrian Succession," which began in 1744, had come to an end, and by the treaty of Aix la Chapelle, which signalized its close, the strong fortress of Louisburg, won to England chiefly by the fierce determination of New England militia troops in 1745, in exchange for Madras had been blindly restored by the British plenipotentiaries to France. In England the inglorious Pelham ministry was in power, and in France Madame de Pompadour





was at the height of her influence over the volatile king, whose subjects were having a short breathing spell before the beginning of another seven years war. In New England, William Shirley, the most powerful Englishman in America, whose influence as an adviser of the crown and a director of American affairs had been conspicuously felt here before the beginning of the then recent war, and had contributed more than that of any other public servant of the crown to the final overthrow of French power on the continent, was governor of the province of Massachusetts Bay.

At the head of Annapolis Basin, on the Bay of Fundy shore of Nova Scotia, stood the scattered village and dilapidated fortress of Annapolis Royal, which since the destruction by a French force from Louisburg under Du Vivier, in May, 1744, of the small garrison at Canso, and the removal of the men as prisoners to Louisburg, had been the only important centre of English influence in the whole province. Of other inhabitants of English extraction and speech, save about the fort of Annapolis Royal, there were very few, and these scattering New England fishermen and small traders and in Cumberland, miners, who probably, for the most part, in winter returned to their New England homes.

The successful campaign, which included in its scope every position where the French had strongly intrenched themselves throughout America, was planned and in large measure carried out under the direct supervision of Shirley. In Cape Breton the fortress of Louisburg frowned threateningly not only on the British ownership of Acadia, but on "his Majesty's interest and the security and prosperity of the colonies of New England," and second in importance to that, within the confines of Nova Scotia, was Fort Beauséjour, near the isthmus of Chignecto, in what is now the county of Cumberland in this historic province. The destruction of both forts was in Shirley's plan of campaign, and inspired by his determination and roused to greater action by racial antagonism and religious zeal, New England militia troops, assisted at Louisburg by British war-ships, in 1745 effected the overthrow of Louisburg, and ten years later made successful capture of the lesser fort. To determine prop-



erly the direct responsibility for the expulsion of the Acadians in 1755, it is necessary to read carefully the correspondence of Shirley with his superiors in England and his fellow crown officials in the various American colonies. The question of how best to neutralize the influence of the French in Nova Scotia, so that in any future designs France might have on the new world they should be harmless, was frequently in Shirley's mind, and, as is well known, his proposal for a long time was to distribute people of British allegiance among the French in Nova Scotia so thickly that through intermarriage and in other ways the loyalty of the latter to France should be weakened and the hold of England upon them gain greater strength.

That it was Shirley's immediate suggestion that determined the home government finally to establish a civil government and create a strong strategic military centre at the Nova Scotia point where Halifax stands we are not explicitly told, but we can hardly believe that the plan was first presented to the British ministers by any one else. In any case, in 1747 the ministry requested Shirley to draw up a plan for civil government for Nova Scotia, and in February, 1748, the governor submitted to the Duke of Bedford such a plan. His plan was of a charter government, and was not accepted, but a year later, in February, 1749, Louisburg again being in French hands, and the French ministry having by no means given up the idea of some day recapturing Acadia, the government did adopt a plan, which in the meantime had been devised, for establishing such civil government, for that purpose sending out a large body of colonists to Chebueto Bay, as Halifax Harbour was then called, to create a town. In pursuance of this plan, the following March the Lords of Trade published in the *London Gazette* an advertisement calling for volunteers for the enterprise.

The substance of the proclamation was also soon published in French and German newspapers, the terms offered being briefly, a free passage and support for twelve months after landing; arms and necessary utensils; the establishment of a secure civil government; lands in fee simple, free from payment of quit-rents or taxes for the period of ten years,—fifty acres to be awarded every private soldier or seaman, with ten acres for



every person in his household, eighty acres to be given every officer under the rank of ensign in the land service, and of lieutenant in the sea service, and fifteen acres to each person in his household, while ensigns were to receive two hundred acres each, lieutenants three hundred, captains four hundred, and officers above the rank of captains six hundred, all the members of the households of these various officers to receive thirty acres apiece. Surgeons, it is declared in this prospectus, whether they have been engaged in his Majesty's service or not, are to fare in the distribution of lands as ensigns in the service. For the expense of this scheme parliament voted a subsidy of forty thousand pounds sterling.

The special encouragement given soldiers and sailors in this proclamation of the Lords of Trade was of course due to the fact that at the termination of the war with France a large number of both had been thrown out of employment and needed to have some provision made for them. The advertisement in the *London Gazette* begins: "A proposal having been presented under his Majesty, for establishing a civil government in the province of Nova Scotia, in North America, as also for the better peopling and settling the said Province, and extending and improving the fishery thereof, by granting lands within the same, and giving other encouragement to such of the officers and private men lately dismissed his Majesty's land and sea service, as shall be willing to settle in the said province; and his Majesty having signified his Royal approbation of the purport of the said proposals, the Right Hon. the Lords Commissioners for Trade and Plantations, by his Majesty's command give notice that proper encouragement will be given to such of the officers and private men lately dismissed from his Majesty's land and sea service, and to artificers necessary in building or husbandry, as are willing to accept of grants of land, and to settle, with or without families, in the province of Nova Scotia."

Chebucto Bay, now Halifax Harbour, lies on the southeast coast of Nova Scotia. It is a magnificent harbour, about six miles long by a mile wide, with excellent anchorage in all parts, and in spite of its northern latitude is open for navigation all the year round. In the north, a narrow passage connects it with





what is called Bedford Basin, a lovely sheet of water, six miles long by four wide, and deep enough for the largest men of war to enter, and on this harbour it was proposed to locate the new Nova Scotia town. Chebucto Bay was of course well known to European voyagers to the province, and only recently, in 1746, it had been the refuge of the melancholy fleet of M. de la Rochefoucauld, Duc d'Anville, when, on its way to seize the forts of Louisburg and Annapolis, attacked by storm and pestilence, it had been forced to anchor in Bedford Basin until, though wretchedly depleted, it had regained strength to return to France. In anticipation of the settlement, the government had taken pains to acquaint itself intimately with the harbour and the coast near it, shortly before the project took final shape employing Captain, afterwards Admiral, Philip Durell, who had commanded one of Warren's ships at Louisburg in 1745, in making a careful survey of both.<sup>2</sup>

Command of the new expedition was given to the Honourable Edward Cornwallis, M. P. for Eye (a borough long in the hands of the Cornwallis family), sixth son of Baron Charles Cornwallis, and his wife Lady Charlotte Butler, whose father was Richard Earl of Arran. Colonel Cornwallis, who was born February 22, 1713, had served as major of the Twentieth regiment in Flanders in 1744 and 1745, and in the latter year had been appointed lieutenant-colonel of his regiment. On the decease of his brother Stephen he was chosen for Eye, and during the session of parliament following was made a groom of his Majesty's bedchamber. On the ninth of May, 1749, he became colonel of the Twenty-fourth regiment, and received the appointment of

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2. In a letter of Governor Cornwallis to the Duke of Bedford of July 23, 1749, we find Cornwallis saying: "As perhaps no copies were taken of the Plans sent me of the Harbour, I send along with this a copy of Durell's plan." Of this plan of Durell's, Cornwallis in another letter says, "the two points that make the entrance to Bedford Bay are marked as the places proper to fortify." In his correspondence with the Lords of Trade the governor also refers to "a copy of Durell's Plan of the Harbour and Bay."

Admiral Philip Durell, as "Captain Durell," commanded the *Eesham*, one of Warren's ships at the first taking of Louisburg. In Boscawen's fleet at Halifax, in May, 1758, we once more find him as commander of the *Princess Amelia*, 80 tons. April 4, 1759, General Jeffery Amherst writes to Governor Lawrence: "I wish Admiral Durell had had the men he wanted for his ships from the Massachusetts Government in the manner I desired, which Mr. Pownall I thought readily consented to; I fear it will fall on the Regiments to give him men to get out or he will be too late, and the regiments will suffer by it."



Governor of Placentia, in Newfoundland, and Captain-General and Governor-in-Chief in and over his Majesty's province of Nova Scotia or Acadia.<sup>3</sup>

To the government's proclamation so large a number of people responded, not only soldiers and sailors retired from active service, but mechanics of various sorts, and farmers, that early in May, 1749, a fleet consisting of thirteen transports and a sloop of war, carrying in all 2,576 persons, set sail from England for Chebucto Bay. In about a month some of these anchored at Chebucto, some, however, not arriving until late in June. The ships in the fleet were the *Spinx*, war sloop, which brought Cornwallis and his suite, the frigates *Charlton* and *Canon*, and the ships *Winchelsea*, *Wilmington*, *Merry Jacks*, *Alexander*, *Beaufort*, *Roehampton*, *Everly*, *London*, *Brotherhood*, *Baltimore*, and *Fair Lady*. Of the settlers conveyed in these ships there were two majors in the army, one foot-major and commissary, six captains, nineteen lieutenants, and three ensigns. Of retired naval men and others there were three lieutenants, five lieutenants of privateers, twenty-three midshipmen, one cadet, one artificer, five volunteers, one purser, one engineer, fifteen surgeons, one lieutenant and surgeon, ten surgeon's mates and assistants, one surgeon's pupil, one clergyman (Rev. William Anwyl), one "gentleman and schoolmaster" (John Baptiste Moreau), one commissary, one brewer and merchant, one attorney, several "gentlemen," four governor's clerks, and one clerk of stores. Of the total number of settlers the number of adult males was 1,546, five hundred of these being former men-of-war sailors. Among the names of the colonists that in the progress of the settlement became more or less prominent were Richard Bulkeley, Alexander Callendar, John Collier, John Creighton, Robert Ewer, John Galland, Archibald Hinchelwood,

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3. In 1757, Colonel Cornwallis was advanced to the rank of major-general and in 1760 to lieutenant-general. On his retirement from Nova Scotia he went to England and was unanimously elected to parliament from Westminster, which constituency he represented for a few years until he was appointed Governor of Gibraltar. Edward Cornwallis was an uncle of Charles Cornwallis, first marquis and second earl, who from 1776 until the close of the American war was in command of British troops in America, and later was Governor General of India. Edward Cornwallis married in 1753, Mary, daughter of Charles, second Lord Viscount Townsend, and died, without issue, December 29, 1776. See Collins's *Peerage*, Vol. 2.



William Nesbitt, Lewis Piers, and John Pyke, the last of whom is believed by his descendants to have been private secretary to Cornwallis.

Before reaching Chebucto, Cornwallis touched at Lunenburg, or Merligueche as it was called by the French. There he found a small French settlement, the people living in "tolerable wooden houses, covered with bark." They had a good many cattle and had cleared more land than they needed to cultivate, and Cornwallis says they were favourable to English rule and heard of the new settlement to be made at Chebucto with unfeigned joy.

The first site chosen for Halifax was "Sandwich Point," near the end of Point Pleasant, that spot being considered, as it was, very favourable for defence, especially since the North-West Arm, which the settlers named Sandwich River, was navigable for war ships to its very head. For at least a day the settlers worked there, cutting down trees, but the depth of water in front of the place, the exposure of the spot to the south-east gales, and "other inconveniences," led them to abandon it for the present site. The city of Halifax to-day extends, north, south, and west, far beyond its original limits, but in the beginning, Buckingham Street on the north and Salter Street on the south marked its utmost bounds. Regarding the location of the town Governor Cornwallis writes to the Duke of Bedford: "Your Grace will see that the place I have fixed for the town is on the west side of the harbour—'tis upon the side of a Hill which commands the whole Peninsula, and shelters the town from the Northwest winds. From the shore to the top of the hill is about half a mile, the ascent very gentle, the soil is good, there is convenient landing for Boats all along the Beach, and good anchorage within Gunshot of the shore for the largest Ships." On the spot finally chosen, John Brewse or Bruce, the English engineer who had come with the settlers, and Mr. Charles Morris, of Massachusetts, the government surveyor, were ordered to lay out the town. By the fourteenth of September the plan was completed and the lots appropriated to their respective owners. The town, says Dr. Akins, "was laid out in squares or blocks of 320 by 120 feet deep, the streets being 55 feet in width. Each block contained 16 town lots, 40 feet front





by 60 feet deep, and the whole was afterwards divided into five divisions or wards, called Callendar's, Galland's, Ewer's, Collier's, and Foreman's divisions, after the names of the persons who were appointed captains in the militia, each ward being large enough to supply one company." "Foreman's new division was afterwards added as far as the present Jacob Street. The north and south suburbs were surveyed about the same time, but the German lots in the north were not laid off till the year following."

For the first few weeks after reaching their destination, many of the colonists either remained on board the transports which had brought them, or found shelter under canvas or tarpaulin tents. In some instances, it is said, the trunks and boxes in which their goods had come "served as a temporary floor to protect them from the dampness of the ground." By the last of October about three hundred small one-story houses were scattered up and down the rocky hillside, between what are now Buckingham street on the north and Salter street on the south. Many of these houses were built of pickets, set up vertically in rows close together, on which boards were nailed, but for at least the governor's house and St. Paul's Church the frames were obtained from Boston. By the last of October also two forts were finished and a barricade around the town was completed. By March, 1750, Cornwallis had had the frame of a hospital erected, the sick until this time having been cared for on one of the ships. He had also in process a schoolhouse for orphan children, where these unfortunate little ones should be cared for until the boys were old enough to be apprenticed to fishermen. He was expecting soon from New England the frame of the church, which was to be an exact copy of Marylebone Chapel in London, and was to cost, by the estimate that had been sent him from Boston, a thousand pounds. In October, 1749, the town was named, with what formal ceremonies we do not know, for the Earl of Halifax, a nobleman then at the head of the Board of Trade.<sup>4</sup>

4. The Council of Trade and Plantations, created in 1695, and lasting until 1782, exercised an important control over mercantile matters at home and the settlement and trade of the colonies wherever they existed, and in 1748, George Montagu, Earl of Halifax, of not particularly happy memory, became president of this body. The exact date of the naming of Halifax is clear from the Governor's dispatches. Until the 17th of October, 1749, Cornwallis sends his letters from "Chebucto"; on the above date he first uses the name Halifax.



On the thirteenth of August, 1749, a sloop arrived from Liverpool, England, after nine weeks voyage, bringing a hundred and sixteen more settlers to the town. For these people two new streets were added, and more lots were assigned. In August, 1750, the colony was still further increased by the arrival of three hundred and fifty-three more English settlers in the ship *Alderney* (a vessel of five hundred and four tons), whom it was considered best to settle on the east side of the harbour, where until then there had been no settlement made. For these new arrivals, therefore, in the autumn of 1750, the town of Dartmouth was laid out, its name being given in honour of William Legge, first Earl of Dartmouth, a nobleman high in the favour of Queen Anne, who had made him in 1710, one of her principal secretaries of state, and in 1713 Lord Privy Seal.<sup>5</sup>

July 13, 1750, three hundred and twelve German Protestants from the Palatinate arrived in Halifax in the ship *Ann*. The British government had engaged a Rotterdam merchant, Mr. Johann Dick, to make contracts with such families or persons as he could find willing to settle in Nova Scotia, and to arrange for their transportation thither, and these German emigrants had been sent from Rotterdam by him.<sup>6</sup> The provision made by government for maintaining the colony was not sufficient, and the coming of these new settlers gave Cornwallis and his council no little anxiety. As cold weather drew near the problem of their support became very serious, and through the long hard ensuing winter they were undoubtedly very poorly housed and fed. When spring opened they were set to work clearing land, building a

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5. The Earl of Dartmouth died December 15, 1750, very soon after the Nova Scotia settlement bearing his name was formed.

6. Johann or John Dick, the Rotterdam merchant mentioned here, undertook to send over a thousand continental Protestants, at a guinea a head, and he seems to have fulfilled his agreement in a most unscrupulous way. He was later accused by Governor Hopson of having advised the poor emigrants whom he engaged, probably in order to secure more room on the ships, to sell even their bedding, before they embarked. On this account they were obliged during the whole tedious voyage to sleep on the bare decks or elsewhere without any beds or proper bed-coverings. Among the people he sent to Halifax were "many poor old decrepid creatures, both men and women, who were objects fitter to have been kept in almshouses than to be sent as settlers to work for their bread." When the people were landed there were over thirty of them who could not stir from the beach, eight of these being young orphans, who had to be put in an orphanage as soon as one was established.



battery and fort on George's Island, and constructing a palisade around the settlement of Dartmouth.

In 1751 and 1752 some thirteen hundred more foreign settlers came, the greater part of them Germans, but some Swiss, and some French from Montbelliard or Mumpolgärter, the capital city of an *arrondissement* in the French department of Doubs. Some Germans who came in the spring of 1751 the Council proposed to place at Dartmouth, opposite George's Island, and in preparation for locating them it sent Captain Charles Morris to survey the land. For some reason, however, the Germans were not located there. Six of the ships in which the settlers of 1751 and 1752 came were the *Pearl*, *Gale*, *Sally*, *Betty*, *Murdoch*, and *Swan*.

On the 28th of May, 1753, 1,453 of the German and French emigrants were sent by Governor Hopson, Cornwallis's successor, to Merligueche, where already, as we have seen, there were a few French settlers of the old Acadian population, favourable, however, to British rule. The fourteen transports on which they sailed from Halifax were under convoy of the provincial sloop *York*, commanded by Sylvanus Cobb, a New England sea-captain, who in 1755 was engaged in the removal of the Acadians, in 1758 conveyed General Wolfe to a reconnoitre at Louisburg, later made his home in Liverpool, Nova Scotia, but died at Havana in 1762. The first company of Germans who came to Halifax were from Lüneburg, the chief town of a district in the Prussian province of Hanover, and in recognition of their native place the settlement of Merligueche (or "Malagash") was now re-named *Lunenburg*.<sup>7</sup> "I pitched upon Merlegash for the settlement of the foreigners," writes Governor Hopson to the Lords of Trade in July, 1753, "it was preferable to Musquodoboit, as there is a good harbour, which is wanting at Musquodo-

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7. The departure of these German settlers from the Duchy of Lüneburg, in Hanover, says the Rev. Mr. Roth, a Lutheran clergyman once settled in Lunenburg, Nova Scotia, is at once interesting and pathetic. "On the eve of departure they were summoned by the bell to their church and there for the last time they sang sacred songs of faith and trust, united in the prayers that were offered for their guidance and protection by the power of the Almighty, listened to the exhortations of their faithful pastor, and then amid the tears and farewells of their dearest friends took leave of the home of their childhood, the associations of their youth, and the land they were destined never to see again. Some of them came in extreme destitution and their sufferings in their new home were not few nor light."





boit. Had it been possible to have sent the settlers by land it would have been a great satisfaction to me to have saved the expense of hiring vessels, but on inquiring, found it absolutely impossible, not only as they would have had at least fifty miles to go through the woods but there is not any road."

The removal of the Halifax Germans in general to Lunenburg did not, however, take all of these foreigners who had come to the town. It is difficult to say how many remained, but the Rev. Dr. Partridge, historian of St. George's Parish, says that some twenty or twenty-five families who had received grants in the north and south suburbs of Halifax made their permanent homes there.

In a letter to the Lords of Trade, written August 20, 1749, Governor Cornwallis says that a good many people from Louisburg have settled in the town, and "several" from New England, and that he is told that over a thousand more New England people desire to come there before winter. "I have ordered," he says, "all vessels in the Government's service to give them passage." To his letter the Lords of Trade reply that they are very glad to hear that such numbers of people are preparing to come down from New England, and that they approve the measure he has taken to enable them to get a ready passage. Every acquisition of people, they say, will be an acquisition of strength, and they hope that the design of "the French Protestants from Martinico" to settle in Halifax may likewise take effect.<sup>8</sup> In July, 1752, the governor had a census of the town taken, the various divisions being the North Suburbs, the South Suburbs, within the Town, within the Pickets, within the Town of Dartmouth, on the several islands and harbours employed in the fishery, and at the block house and the isthmus.<sup>9</sup>

As one reads the names of the citizens of Halifax as given in this census, one is struck by the number of New England, gen-

8. Cornwallis writes, August 20, 1749: "A French merchant has been here and proposed to bring some Protestant families from Martinico, with their effects, if I would give them encouragement, protection, and land. He has given me a list of their names, with what each of them is worth—he makes their fortunes amount to above £50,000 sterling. I have promised all kinds of protection and he is gone to get a passport at Louisburg. From thence he goes to Martinico, and thinks they shall be able to get here before winter." The Martinique Protestants never came. See Nova Scotia Archives, Vol. I, p. 579.

9. The whole number of the population as given in this census is 5,134.



erally Boston, names. Among such are, Fairbanks, Fillis, Gerish, Green, Lawson, Morris, Prescott, and Salter. That this should be so is not, however, at all strange, for ever since the final capture of Port Royal in 1710, which capture had been effected largely through New England troops, there had been constant close communication between Annapolis and Boston, while Canso, the extreme eastern point of the Nova Scotia peninsula, had long been a New England fishing and trading station, with warehouses for the storage of fish. At other places on the shores of Nova Scotia, and notably at Chebucto itself, single men, and perhaps families, from New England, had been more or less permanently located, gathering fish in summer, and selling goods in small quantities to the Acadians in return for the products of their toil. One Boston firm, indeed, had before 1749 secured a grant of four thousand acres at Chignecto, in what is now Cumberland county for the purpose of coal mining, and when Cornwallis came were more or less vigorously digging coal. By the lease granted this Boston company by the military government at Annapolis Royal, the firm receiving the privilege was required to pay the government a quit rent of one penny an acre.<sup>10</sup> Of Malachy Salter of Halifax, who was a Boston born man, and who in the progress of the town came to be one of the most important men in trade, politics, and social life, the tradition is well established that he, and perhaps his family, had been settled at Chebucto some time before Cornwallis came.

Describing rather graphically the earliest condition of Halifax as a town, Dr. Beamish Murdoch in his valuable documentary history of Nova Scotia says: "Halifax in the summer and autumn of 1749 must have presented a busy and singular scene. The ship of war, and her discipline, the transports swarming

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10. It is said that in 1733 no less than forty-six thousand quintals of dry fish were exported from Canso, and that at the most prosperous time of the fishery there in the summer season from fifteen hundred to two thousand men were employed in fishing. Even whale fishing, it is said, was carried on at Canso, though in a limited way; and the trade of enterprising New Englanders at this point with the French on the peninsula and Cape Breton shores, must have been very considerable, dry goods, and other articles of British or American manufacture for domestic use, as well as prints, vegetables, oats, shingles, bricks, flour, meal, and biscuits, being given in exchange for fish, oils, and furs.

Our statement concerning mining operations at Chignecto we have found in Brown's "History of Cape Breton."



with passengers who had not yet got shelter on land, the wide extent of wood in every direction, except a little spot hastily and partially cleared, on which men might be seen trying to make walls out of the spruce trees that grew on their house lots, the boats perpetually rowing to and from the shipping, and as the work advanced a little, the groups gathered around—the Englishman in the costume of the day, cocked hat, wig, knee-breeches, shoes with large glittering buckles; his lady with her hoop and brocades; the soldiers and sailors of the late war now in civilian dress, as settlers; the shrewd, keen, commercial Bostonian, tall, thin, wiry, supple in body, bold and persevering in mind, calculating on land grants, saw-mills, shipping of lumber, fishing profits; the unlucky *habitant* from Grand Pré or Piziquid, in homespun garb, looking with dismay at the numbers, discipline, and earnestness of the new settlers and their large military force,—large to him as he had known only the little garrison of Annapolis; the half wild Indian, made wilder and more intractable by bad advisers who professed to be his warmest friends; the men-of-war's men; the sailors of the transports, and perhaps some hardy fishermen seeking supplies, or led thither by curiosity,—of such various elements was the bustling crowd composed."

The arrival of Cornwallis at Chebucto with the commission of captain-general and governor-in-chief of the province brought to an end Nova Scotia's thirty-nine years military rule. The military governor of the fort at Annapolis Royal since 1740 had been Major Paul Mascarene,<sup>11</sup> and this excellent official had been duly apprised beforehand of the sailing of the Cornwallis fleet. Shortly after his arrival, the new governor sent the transport *Fair Lady*, whose passengers had been landed on George's Island, to Annapolis Royal to bring Mascarene and a quorum of his council to Halifax to be formally dismissed from office. On the 12th of July the Annapolis officials arrived and Cornwallis displayed to them his own commission and took the oaths of office in their presence. On the 14th, Friday, on board the *Beaufort*,

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11. For an account of Major Mascarene see the "New England Historical and Genealogical Register," Vol. 9, p. 239; and the "Correspondence of William Shirley," Vol. 1, pp. 337, 338.





in the harbour, he chose a new council, and thus formally organized the civil government. The members of the new council were: Paul Mascarene, Edward Howe, John Gorham, Benjamin Green, John Salusbury,<sup>12</sup> and Hugh Davidson, the last of whom became the first secretary of the province under civil rule.

Very soon William Steele, Peregrine Thomas Hopson (who on account of his higher military rank at once took precedence of Mascarene), John Horseman, Robert Ellison, James Francis Mercer, and Charles Lawrence, were added to the list, the number thus being raised to the full complement of twelve, the number of the earlier military council. The formation of the council was announced to the people by a general salute from the ships in the harbour and the day was given up to general festivity. The table around which the first council sat on the *Beaufort* is now in the small Council Chamber in the Province Building, and is one of Nova Scotia's most famous historical relics. On the 18th of July Cornwallis appointed John Brewse or Bruce, Robert Ewer, John Collier, and John Duport, Esquires, justices of the peace, for the township of Halifax, thus organizing a minor town government for the new settlement, in addition to the government-in-chief.

By his commission, Governor Cornwallis, "with the advice and consent of his Council *and Assembly*, or the major part of them respectively," was given full power and authority to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of the province, these laws to be submitted to the home government for its approbation or disallowance within three months after making. It will thus be seen that the home government from the first contemplated the establishment, as soon as circumstances should make it possible, of some form of representative government for Nova Scotia, but it was not until 1758, nine years after the settlement under Cornwallis began, that a representative assembly was formed. Until then the governor and his council exercised un-

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12. John Salusbury, who returned to England in the spring of 1753, and died in 1762, was of a Welsh family, and was a friend of Lord Halifax. His wife, a Miss Cotton, is said to have brought him a fortune of £10,000, "which he spent in extravagance and dissipation." His daughter was Mrs. Thrall, afterwards Mrs. Piozzi, famous as during her first marriage the friend of Dr. Samuel Johnson.



limited control in the province, and it was naturally not without much unwillingness that these functionaries suffered any part of the government of the province at last to pass out of their hands. The interests of the newly appointed council of Nova Scotia and the governor-in-chief were many and varied. The French and Indians had to be promptly dealt with, the defences of the town and suburbs vigorously pushed, conditions of trade determined, the sale of liquor regulated, offenders against the law tried and punished, houses, wharves, a church, a hospital, and an orphanage built, allowances to needy settlers granted, Sunday traffic kept in check, the town divided into wards, a ferry to Dartmouth established, a light-house placed at the entrance to the harbour, and an efficient militia established and trained,—these were some of the many tasks that at once claimed the attention of the newly formed government and taxed its executive powers.

In November (1749) the council ordered that all trees remaining within the forts or barricades should be left standing for ornament or shelter for the town, none to be cut down or “barked.” For each tree destroyed in defiance of this order, the penalty was forty-eight hours imprisonment and a fine of one pound. The order, however, did not hinder any one from cutting trees on his own lot. In December, housekeepers were ordered to give notice within twenty-four hours to one of the clergymen of the town of any deaths that had occurred in their houses, the penalty for failure to do this likewise being imprisonment and fine. Persons refusing to attend a corpse to the grave, when ordered to do so by a justice of the peace, were to be imprisoned, and it was strictly enjoined that “Vernon the carpenter” should mark the initials of every deceased person on the coffin in which his body was inclosed. In June, 1750, a market place was ordered to be set apart for the sale of black cattle and sheep. In July the proprietors of lots were ordered to clear the ground in front of their lots to the middle of the streets which ran before them. January 14, 1751, it was ordered that the town and suburbs be divided into eight wards, and that the inhabitants be empowered to choose annually the following officers for managing such prudential affairs of the town as



should be committed by the governor and council to their care, namely, eight town overseers, a town clerk, sixteen constables, and eight scavengers.<sup>13</sup>

Regarding the settlement of French in the environs of Halifax before the coming of Cornwallis's fleet, we have not very much knowledge, but we do know something. June 22, 1749, Governor Cornwallis writing from Chebucto to the Duke of Bedford says: "There are a few French families on each side of the Bay [the name he always uses in speaking of Bedford Basin], about three leagues off; some have been on board." A month later, the 23rd of July, he writes the Duke: "Tis twenty-five leagues from hence to Minas and the French have made a path by driving their cattle over." In the same letter he says: "Another company I shall send to the head of the Bay, where the road to Minas begins." Indeed, among the older residents of Halifax in recent times a clear tradition existed that before Cornwallis came there was a scattered settlement of French on the southwest shore of Bedford Basin, near what is now Rockingham, which continued on the opposite shore, near what is now Navy Island. As in King's and other further western counties of the province it is not many years since the foundations of what are said to have been French houses could plainly be seen on the Bedford Basin shores, between Rockingham (Four Mile House) and Fairview (Three Mile House), a certain point here being very well known as "French Landing." There is also a tradition that a few French houses, probably of settlers who were occupied in fishing, were scattered along the shore of the Northwest Arm.<sup>14</sup> That the French in the environs of Halifax when Cornwallis came were very few, and the settlement at Bedford, if such existed, very inconsiderable,

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13. When Halifax was founded, New York was a hundred and twenty-eight years old, Boston a hundred and fifteen, and Philadelphia sixty-seven.

14. These last interesting facts have been given us by Harry Piers, Esq., the able Nova Scotia archivist and curator of the Provincial Museum, who says that "French Landing" may have been the place where D'Anville disembarked his men to recuperate, in 1746. "Is it not likely," says Mr. Piers, "that D'Anville landed his men close to these French houses, in order to get fresh vegetables for which his men were suffering? D'Anville's men who died were buried near by, in what is now woods. There is an old cemetery (I have unearthed there many bones myself) which plainly antedates the settlement of Halifax, at Birch Cove, a couple of miles above French Landing. The cemetery has no stones."





is proved by a statement made by the Rev. William Tutty to the venerable Society for the Propagation of the Gospel in a letter written by him on board the *Beaufort* in Halifax Harbour, September 29, 1749. Mr. Tutty says: "The nearest of the French settlements lie at the distance of about forty miles from the Town of Halifax, so that 'tis very difficult to have any communication with them, at least such communication as might convince them of the errors of their faith."

Of the number of Indians located near Halifax we know still less than we do about the French. "The Indians," says Governor Cornwallis in a letter to the Duke of Bedford dated July 23, 1749, "are hitherto very peaceable, many of them have been here with some chiefs. I made them small presents, told them I had instructions from his Majesty to offer them friendship and all protection, and likewise presents, which I should deliver as soon as they could assemble their tribes and return with powers to enter into treaty and exchange their French commissions for others in his Majesty's name." "The Indians of this Peninsula, when we first arrived," says the Rev. Mr. Tutty, "came frequently amongst us with their wives and children, traded with us and seemed not in the least dissatisfied with our settling here. But they vanished all at once, summoned as we learned afterward by their priest at Chignecto, who was endeavoring to stir them up to arms, and has himself now, as he did in the last war, appeared about Minas at the head of some of them. But as an officer is posted there with an hundred men, and is so fortified as to be a match for all the Indians of the Peninsula, there is no danger to be apprehended on that side."

Any favourable opinion Cornwallis may have formed, of the Indians, however, he was destined soon to change. No later than October of the year of the settlement he felt obliged to publish a proclamation authorizing all his Majesty's subjects "to annoy, distress, take or destroy the savages commonly called Micmacks wherever they are found, and all such as are aiding and assisting them," and to offer a reward of ten guineas for every Indian taken or killed. The occasion of this proclamation was several depredations committed by the Micmacs short-



ly before, some of them on the settlers of Halifax itself.<sup>15</sup> The worst of the earlier atrocities committed by the natives was an attack on the people located at Dartmouth, in May, 1751, in which a number of white people, one of whom was Mr. John Pyke, were killed and scalped, and others carried off as prisoners. The Indians concerned in this tragedy were not, however, drawn from anywhere near Halifax, they are said to have collected first "in great force" on the Basin of Minas, then to have ascended the Shubenacadie river in canoes, and at last through the almost trackless woods to have come stealthily on their prey.

The administration of Governor Cornwallis, as we have seen, lasted only three years. His task in organizing and firmly planting a new colony and in directing all its pressing affairs was one of great difficulty and he discharged it in the main with comprehensive and wise judgment and with singular force of mind. For a short time, between him and the Lords of Trade a certain lack of harmony existed, but whatever fault this body had to find with him was clearly due rather to a failure on his part to understand fully the proper conduct of financial business than to an obstinate determination to have his own way, and in the end his English masters must have been well satisfied with his management of the difficult enterprise they had entrusted to his hands. That the colonists themselves for the most part approved of and liked him we are strongly assured, the only serious complaint that we know of against him having been made by a Jewish trader, Joshua Manger,<sup>16</sup> whose unscrupulous smuggling of goods into Halifax he made determined efforts to stop.

Somewhere between the middle of June and the last of July, 1752, Cornwallis, worn out with his labours, resigned and went home,<sup>17</sup> and on the 3rd of August Major-General Peregrine

15. Nova Scotia Archives, Vol. 1, p. 582.

16. In the February issue of *Americana* we have said that Joshua Manger, whose name figures prominently in early Halifax history, had a daughter who became the wife of the Duc de Brouillan. This is incorrect. We are indebted to Mr. George Mullane of Halifax, an indefatigable and accurate student of Halifax local history for the fact that Miss Manger was married to a Captain D'Auvergne, R. N., a native of the island of Jersey, who became heir to a Duc de Brouillan, of whom he is said to have been a left-handed relative. At the peace of Amiens, D'Auvergne went to Paris to urge his claims to the Brouillan title, but he was arrested at the instance of Napoleon, who was angry with him for the part he had taken in an expedition against the French coast in connection with the emigrés.

17. Shirley's correspondence (Vol. 1, p. 503) informs us that when Cornwallis



Thomas Hopson was sworn into office as Governor of Nova Scotia. When Louisburg was restored to the French under the treaty of Aix-la-Chapelle, Hopson was the English commander of that fort; after the delivery of the fort he came up with the troops to Chebucto, and was sworn in senior councillor, taking precedence, as we have said, of Paul Mascarene, governor of Annapolis Royal, because of superior military rank. As governor he resided in the province a little more than a year, on the first of November, 1753, sailing for England, whence he never returned. On his departure from Halifax, Colonel Charles Lawrence, another English officer from Louisburg, was appointed to administer the government, a formal commission as lieutenant-governor under Hopson being given him the next year.

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was given his commission he was promised that he should be relieved in two years. March 28, 1750, Shirley asks that he may be appointed governor of Nova Scotia, in addition to his Massachusetts governorship, if Cornwallis should leave before the two years, as he seems to think he might possibly do.

[The following slight changes should be made in our articles entitled "Rhode Island Settlers on the French Lands in Nova Scotia" in *AMERICANA* for January and February, 1915. In the January number, p. 21, note, we have stated that only Falmouth and Newport sent members to the legislature. This is not true, Windsor also had representation. On pp. 36, 37 the name Winckworth, of Col. Tonge's estate, is said to be in late years "incorrectly spelled Wentworth." The fact no doubt is that the name Winckworth was by design (and legitimately) changed to Wentworth by the Cunningham family when they acquired the estate. This correction has been kindly suggested to us by Mr. Harry Piers, the able archivist of Nova Scotia, who is likewise a very accurate local historian. In the February issue, p. 92, we have said that Joshua Mauger's only daughter was married to the Duc de Brouillan, this, as Mr. George Mullane has shown us, is not true. Proper correction of the statements appears elsewhere in this issue. On p. 97 we have said that Perez Morton Cunningham died unmarried. This, Judge Savary informs us, is also incorrect. The facts of Cunningham's marriage, however, we are at present unable to give. A. W. H. E.]





## "For Conscience Sake"

RESCUES OF LADY MOODY BY CORNELIA MITCHELL PARSONS

### CHAPTER XIII.

LADY MOODY SEEKS OUT MISTRESS PENELOPE.

"Put not your faith in Princes, nor in any child of man, for in them is no salvation."

STAFFORD'S LAST WORDS.

**I**N the late afternoon, all being quiet, Lady Moody, Sir Henry, and the unwilling Frances, started for the witch's hut. Frances implored her friend to be wary; saying she and Sir Henry would remain concealed outside, near the entrance to the hut. A small basket with jelly and eggs, was carried by Frances. It was not a long walk, but Lady Moody's age was telling upon her. She leaned heavily on Sir Henry's arm, as they made their way through the narrow path. Now and then some poisonous snake would dart before them. As she had said, Frances and Sir Henry remained near the entrance; being within call if they were needed. A fire of fagots was burning and the dim light cast strange shadows as Lady Moody fearlessly entered. A cry came, a cry of anguish. "Deborah, Deborah, you here! My old friend, you beard the lioness in her den! Did the maid reveal to you I was here?"

"Penelope, Penelope, after all these years of separation, we meet in the wilderness!"

"I thought you would shrink from seeing me," said the strange woman.

"I have loved you ever, old friend; I have prayed twice daily; and many times beside, have my prayers ascended for you."

"My sins, ha, ha, ha," the awful laugh rang through the open



door, "my sins, what are your sins! You stole my little Frances!"

As Lady Moody did not reply, she continued, "I sent her to you, yes, in a moment of weakness, to get her out of the way, and I have just found her in the forest."

"Let me call you by the old name, Frances." And the soft accents of Lady Moody reached the woman's listening ear. "I know all; will you not come home with me, and live a new life? I will care for you, for I love you still. Faithful love never dies."

"Deborah, Deborah, that is not true. It dies, but it dies hard at times. Your proud son would scorn my coming. I am unfit to live, except with reptiles like these." She caressed the pet snake. "Poor thing, poor thing; they all hate you, all but your Mistress."

"You will remain here in this forest, alone, Frances?"

"I am never alone; these wild creatures are my friends, and I love them. At times they say such strange things to me. They tell me of their lives; of all they, too, have suffered from the hand of man."

"In faith, you are ill; I see it in your face; ill and half starved."

"I need but little now. In time I shall wander away again, in the forest. But I will have my child Frances with me."

"You cannot have her; she is the affianced bride of my son."

"I know, I know, you give her your good name; I thank you, ha, ha, ha. Something here is wrong," (touching her forehead), something; I know not what. I instructed the Indian maid, Minatonka, to fetch the girl Frances to me, and she did."

"Strange that Frances never told me."

"I made her promise not to tell. Why should you know? I am dead to the world and my friends. Yes, dead; so bury the corpse, bury it deep in oblivion. They were glad to have me go away from Old England and my husband, Stephen, acted strangely. Perchance it was true what they said—that feeling here (touching her forehead). Had Oliver Cromwell but acted fairly, and let justice take its way, Oliver St. John, his kinsman, would have made all matters straight. The king is dead; long live the king. He died, ha, ha, ha. They cut his head off. I



saw it fall. 'I wanted money. I wanted the gold settled on the child Frances, the gold given by Stephen for his child.'

"They knew naught of your coming to this new land. They thought you dead."

"The child, Frances, in my dreams, bade me follow her. I had to come. So much sorrow and wickedness had turned my brain. I am not the same you once knew. Sydney hath been my evil genius from a girl, as you well know. To escape him, I married Lord Rich, and was false. It was in me, the evil strain. Believe you not in heredity? It pursues one to the end."

Lady Moody sighed. "You are not Lady Penelope; you are Frances, my friend. I ask you to return this night, and make my dwelling your home."

"You speak kindly. I have heard not such words for years. I thought kindness was dead in the world. I came here and found my little Frances back to life again. Then I thought I would murder you, as I murdered another. Hush, I see the face again. It was St. John. the man who spoiled my life. I will find him, and this dagger shall do it. You still have yours, Deborah? Strange the sharp things should have remained our property, when so much else has gone. You have the parchment for little Frances, and the gold. I have still more, and my jewels. See!" Lifting up her skirt, she showed Lady Moody a long pocket which she emptied before her. "Here are wedding gifts for Frances. But she shall never marry your son, never while I live. Yes, here are jewels that were tokens once of Stephen's love. And here is the pretty bauble that caused all the evil!" She held up to view a St. George.

"That is the Order of the Garter."

"Yes, my most precious possession, ha, ha! Yes, in truth, you press this spring, so, ah see this—this miniature." And lifting it up, she held it before Lady Moody's astonished gaze. It was a picture of Henrietta Maria, the wife of her late King. It was beautiful. There were jewels entwined among the golden lilies of France.

"One day, I found Stephen gazing at it. The queen had given it to him for some brave deed. It was the last gift of King Charles to his wife. He handed it to Bishop Juxon on the scaf-





fold, just before laying his head on the block, repeating the word 'remember, remember!' The word seems written in letters of blood. Yes truly, I remember, will remember till I die. He has remembered her, but forgotten me, his wife. 'Remember, remember!' I liked not Stephen to care for that woman, even though she be my queen. I thought of it day and night. Wearing another woman's face over his heart, he said I was jealous; he would not stand a jealous wife. At last my heart broke. They sent me away to a strange house. They took my child from me."

Lady Moody glanced into the face of the mad woman. "She is soon to marry Sir Henry, as I have told you."

"Deborah, she shall never marry while I live."

"Say not such things; it will break the hearts of both."

"I care not for broken hearts. Mine hath been broken long ago, and I still live."

"Surely you would not have the child Frances suffer as you have done."

"Suffer. All must suffer. The sins of the fathers unto the third and fourth generation."

"You will try and listen to me, Frances, my old friend. We are both in the evening of life. The twilight causeth us oft to stumble. Will you spend your declining years in my abode, here in Gravesend? No one need know your history. Let the dead past bury its dead. Let the few remaining years be those of rest and forgiveness."

"Too late, too late. Once it might have been, but now I cannot think. Mr. Roger Williams would have me learn forgiveness. He took me for a poor deserted creature, and so I was; he guessed aright. It was when he saved me from the gallows or the stake. So I came here. I say again unto you, Deborah Moody, it is too late; there is something gone."

"Since you will not listen to me, I must depart. I shall see you again in a short while."

A convulsive tremor passed over the face and figure of the woman. A look of hatred appeared. "Deborah Moody, your days are numbered. I see it all; a natural death, they say, but I alone will know the secret."



A shudder ran over Lady Deborah as she looked into the beady eyes of the mad woman.

Frances had entered and had listened to the conversation, and slipping her hand into that of her beloved friend, they silently took their homeward way. Lady Moody was very sad, and it seemed as if in that short time, old age had laid its hand upon her. She breathed heavily.

"I am so tired to-night, little Frances, so tired. The shock hath been almost more than I can bear. Why, oh why, did you not tell me before of Mistress Penelope, and her confession?"

"She frightened me so, I could not; I dared not, for though I saw her mind was gone, she threatened death if I should tell, and I felt she would keep her word."

"To-night, little Frances, I wish you and Henry to come with me into the library, and there we will discuss weighty matters."

"Yes, dearest Mother, we will both be there, but you must rest awhile."

Supper was served soon after their arrival. About eight o'clock, after Lady Moody remained quietly sitting in her arm chair, she called Sir Henry to her, took his arm, and followed by Frances, made her way into the library. She took her seat before the mahogany desk. The face in the portrait looked down and smiled, or so it seemed to Frances, although candle-light often plays strange pranks. Turning to her son, she said:

"Look behind the portrait, Henry, and you will see a brass nail."

Henry did so; removing the nail with his fingers. A little piece of canvas fell away, exposing to view a roll of parchment. This he placed in his Mother's hands.

"This parchment gives your history, Frances, my little Frances, so soon to be my own dear daughter. Henry knew about the history. It was a secret, but of the portrait and this parchment I have told no one. Feel along the edge of the frame. There, that is the spot."

As Sir Henry did so, a shower of gold pieces fell on the floor. Frances ran forward to pick up the coins.

"They are all yours, dear, and were given me as a trust fund. A goodly sum is concealed along the frame, all four sides. The



picture truly is worth its weight in gold. The portrait is of Stephen Goffe, the son of the Rector of Stammer in Suffolk, son of a Puritan Divine, taken when young. You two dear ones will have enough when I am gone. The farm must be sold. The bowerie and house with my other holdings. Years, years ago, I had paid as you know, Henry, eighty pounds in taxes for Master Humphrey's farm at Swampscott, about one-fourth of my estate, and the purchase hath been my undoing."

"In faith, we thought the coming here a good thing, my Mother, and leased the farm to Daniel King."

"I am glad he purchased it in the end, for twelve hundred acres is too much to hold and manage from such a distance. In time, dear Frances, you will tire of the Dutch province. If you and Henry can dispose of these holdings, the way may open for you to journey to Virginia Plantation, there to spend your remaining days. He, our Lord, leadeth us by ways we do not know, beside still waters and green pastures, but you need fear no evil."

Frances started, and raised her hand. She thought she heard a noise under the window. It must have been her imagination.

"You will tarry with us, dear Mother, many years, and with you to guide us by your good counsel, all will be well. Think you not, Henry, for surely we must speak of such things before our dear Mother, that it would be wiser to defer our marriage for two or three years, that I may find some home for my poor, demented Mother?"

"It seemeth to me a long time to wait, dear heart," he said.

"Yes, the maid is right, Henry. We little dreamt, a short time since, that such an obstacle should arise. No," continued Lady Moody, "no one can, in this weary world, even plan for the future. 'As our day, so shall our strength be.'"

It was decided by all three, after an earnest discussion, that the marriage should be deferred until arrangements could be made for the future. Sleep did not visit Lady Moody's eyes that night. The crazed actions of her old friend caused her much anxiety. She feared poor Frances and Henry would have a hard future before them, as the mad woman had threatened that the marriage never should take place in her lifetime. It





was nearly morning before sleep came to the tired brain of the noble woman, who was indeed a faithful friend.

## CHAPTER XIV

### MEMORIES

"Love is the Emblem of Eternity."

—MADAME DE STAEL.

"Such is the use and noble end of friendship

To bear a part in every storm of fate,

And by dividing, make the lighter weight."

—BYRON HIGGINS.

How Frances longed to know more about her father, and once as she and Lady Moody were sitting quietly before the open fire, she asked her kind friend many questions. The poor demented mother, living alone in the forest, never troubled them by her presence. Now and then Frances would go to see Mistress Penelope, but the visits were unsatisfactory, and she was always accompanied by Sir Henry, who never allowed her to go alone.

Rarely did Lady Moody allude to Mistress Penelope, but when she did, it was to speak pitifully and kindly of her.

Minatonka, faithful as ever, never tired in her devotion to the witch-squaw pale-face friend.

Anna Hutchinson's daughter, the little captive maid was enjoying her freedom with the remaining members of her family, who were trying to make her forget the wild ways of the red men.

One day as Lady Moody and Frances were conversing about many things in the Mother Country, Lady Moody said:

"Your Mother was very beautiful, child. But she and poor Stephen Goeff were never meant to marry. He, your father, whom you never saw, was ever a Royalist, and a devoted follower of our late King. He was utterly opposed in principles and religion to his brother, William, though children of the same strict Puritan Divine for your Grandfather, child, was curate of the Parish of Stonmer in Sussex, and was a man much respected by the entire community. Your father, his namesake, was born in 1605. He received his education at Merton College, Oxford,



where in 1627 he graduated as B. A., and an M. A. in 1628, after he immigrated to St. Alban's Hall. He lived for some time in the low countries, and was Chaplain of the regiment of Colonel Horace Vere. On his return to England, through the interests of Henry Jermyn (afterward Earl of St. Albans), appointed Chaplain to Charles First, for when he was made a Doctor of Divinity in 1636, he was employed by the Court Party as an agent in France, Flanders and Holland. They say that in 1648, he received one thousand pounds a year for being supervisor to Sir William Boswell. Goeff, always loyal to his King, tried to save him when imprisoned in Hampton Court. He was seized and thrown into prison, but escaped in a miraculous way; being rescued by Mistress Penelope, whom he afterwards married. Poor creature, she often regretted it, I fancy.

When the King was a prisoner in Carisbrooke Castle in the Isle of Wight, he employed Stephen to persuade the Scottish Commoners not to accede to the demand that he confirm the Covenant. The Church was in a terrible condition, and Stephen, always skeptical as to its future, detached himself from it, and became a Roman Catholic. He was a member of the congregation of the French Oratory in a seminary of Notre Dame des Virtus, not far from Paris. It broke his poor father's heart, for many thought he was, in some way, bought, as he received eight hundred pounds of the money sent from Moscow to Charles. Shortly after, he became one of the fathers of the Oratory, and received at Paris all the orders of the Catholic Church, according to the Roman Pontifical. Strangely enough, he was allowed to celebrate Mass, by virtue of having been at one time a Priest in the English church. The Sorbonne thought one way: the Pope another. And he was ordered to be reordained by the Bishop of Paris.

Four years ago he was made Superior of the Community. He hath ever been a most kind man, and after our King's death, was a great friend to the Clergy of all denominations, Protestants as well as Papists. Indeed it was through him that Henry, Lord Germyn, took Dr. Cowley under his protection.

Your Mother never liked Holland, and leaving her husband, returned to England, there to visit Oliver St. John and his fam-



ily. It was at that house that you were born. Your father never saw you, my child. There had been constant quarrels, and Stephen Goeff was becoming more and more devoted to his new belief. Hard words passed between husband and wife, and through the offices of the Pope, the marriage was annulled. After your birth, Master Robert Whalley, the brother of Sir Edward, the girlhood friend of your Mother's, offered himself to her in marriage, and was accepted. Mistress Penelope asked that I would bring the babe with me, to this land. So you Frances, poor child, have had rather a stormy introduction into this weary world."

"And my own father, Stephen Goeff, did this, deserting my Mother before my birth, giving up his own church for the Papists. Oh, dearest, adopted Mother, I am indeed a waif, thrown like drift wood upon the sands of time."

"No, not a waif, my child. You have grown unspeakably dear to me. God's ways are not always our ways, but we must trust, and believe that in the light of Eternity, all will be made clear."

Frances was weeping. "Even my name was given to me by a friend."

"Your name, child, will soon be my name. You need not worry for the future. That is in God's keeping."

"What hath become of the man whom my Mother afterward married?"

"He regretted very soon his bargain, as your Mother, after all that she had suffered, showed signs of insanity. Robert Whalley placed her in a Dull House, from which she afterward escaped, and all trace of her for many years was lost. You know the rest, my child. They say Robert Whalley is living as a recluse, for he also, was a regicide; and being not brave like his brother Edward, the mainstay of Oliver Cromwell,—fled the country, and is now, we think, somewhere in Virginia. The noted Whalley family have been most unfortunate of late years, but it is whispered that the Protectorship may be settled upon Sir Edward. The future alone will decide. Oliver Cromwell's days are numbered. His active life and family troubles have caused him to fail. Richard, his son, will, I think, reign but a short time. Your Father was obliged by Oliver St. John, the lawyer, to set-





tle a large sum, the gold I have shown you, upon you, his own child. Stephen Goeff," she whispered softly, "was, as I have said, the lover and friend of my youth. He hath indeed changed in character as well as religion. Do not grieve, do not grieve, Frances. Sir Edward Whalley, your step-father's brother, hath ever had a kindly interest in you."

"You have lifted a load from my heart, dear Mother. I wished to know the worst, and you have told me."

"How it must haunt Oliver Cromwell, the last words of the murdered King. 'I go from a corruptible crown to an incorruptible one, which as you say, I feel convinced I shall possess forever, without trouble or anxiety.' Poor King."

"The trouble and anxiety have come to the Lord Protector as a just reward, for say what you will, dearest Mother, it was murder."

"Murder for Conscience sake."

OWN THE



## History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church.

CHAPTER CXVIII

POLITICAL EVENTS CONTINUED: PEOPLE'S PARTY—LIBERAL PARTY—CHURCH AND ANTI-CHURCH—FIRST ELECTION UNDER THE UTAH COMMISSION, GOVERNOR MURRAY'S ATTEMPTED OFFICE GRAB—JUDGE JEREMIAH S. BLACK ON UTAH AFFAIRS—LEGAL RESISTANCE OF THE PEOPLE—EFFORT FOR STATEHOOD—GOVERNOR MURRAY *vs.* THE UTAH LEGISLATURE—A PERIOD OF ANTI-MORMON MISREPRESENTATION—THE TENNESSEE MASSACRE.

**J**OHAN T. CAINE was elected to succeed Mr. Cannon as delegate to congress from Utah, as well for the unexpired term in the 47th congress, as for the full term in the 48th; and so through successive terms up to and including the 52nd, which closed in March, 1893.<sup>1</sup> Mr. Caine was nominated at a territorial convention of the People's Party—the political organization through which the Latter-day Saints waged their con-

1. Hon. John T. Caine was "a native of the Isle of Man, where in the parish of Kirk Patrick, he was born, January 8th, 1829. An emigrant to America at the age of seventeen; a merchant's clerk in New York and St. Louis; a school teacher in Utah, and a missionary to the Sandwich Islands; actor, stage manager, and editor at Salt Lake City; territorial legislator, university regent and city recorder; such is a partial epitome of the pre-delegate record of this self-made man, rising step by step from the humblest walks of life to high and honorable positions." (Whitney's Hist. of Utah, Vol. IV.—Biographies—p. 671). The paragraph above is followed by a very full biographical sketch of Mr. Caine, detailing his long years of public service in both church and state. Needless to say Mr. Caine was a monogamist, his wife, whom he married in St. Louis, in 1850, being a Miss Margaret Nightingale, a relative of the Nightingale and Leache families who were among the first converts to the New Dispensation at Preston, England, 1837. Mrs. Caine's grandmother, Mrs. Leach, was the second woman baptized into the Church in England. (*Id.*)



test for their civil and political rights against their persistent and relentless assailants. This convention met on the 11th of October and continued until the 13th. Judge R. K. Williams, of Ogden, was made temporary chairman, and in the speech he delivered stated that the present convention was different in character from other conventions that had preceded it, in that they "had been more of a theological than of a political character."<sup>2</sup> This idea was corrected by Mr. Charles W. Penrose on the second day of the convention. Mr. Penrose had been a member of several People's Party conventions previous to this one, and by reading was familiar with the character of the conventions since the first ever held in Utah"; "and," said the speaker, "there was nothing of a theological nature in their organization, business, or objects. They were political conventions for political purposes. They were precisely of the same character as the present convention. "The chairman," he explained, "had not long resided in the Territory, and may have been misled on this subject by incorrect reports."

No exceptions were taken by the convention to the statements of Mr. Penrose, and he undoubtedly voiced the sentiments of all the delegates.

Since the convention was desirous of nominating a candidate for the unexpired term of Mr. Cannon, a committee was appointed from the convention to ask Governor Murray to call a special election for that purpose. But the governor declined on the ground that there was no law authorizing him to call such an election. The convention, however, nominated Mr. Caine to fill the unexpired term of the 47th, as well as for delegate to the 48th congress.<sup>3</sup>

The convention did not forget the faithful labors of Mr. Can-

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2. See first day of the Convention proceedings Deseret News—Weekly Oct. 11th, 1882.

3. Other nominees of the convention were Mr. Franklin S. Richards, son of Elder Franklin D. Richards of the Apostles' council; and W. H. Hooper, Judge W. S. Dusenberry of Provo was also scheduled for nomination but begged his friends not to present his name. It is also proper to say that Mr. Richards and Mr. Hooper declined the nomination, but their friends insisted upon voting for them with the following result on the first ballot: John T. Caine; 53; W. H. Hooper, 12, Franklin S. Richards, 3; Necessary to a choice, 46. The nomination of Mr. Caine was made unanimous. The vote on the candidate for the unexpired term was, Caine 48; Hooper, 22; for this place the nomination of Mr. Caine was made unanimous.





non, the former delegate; a resolution expressing appreciation of his services in congress, of his high character, and condemning the action of congress in excluding him from his seat was introduced by Mr. Penrose, and unanimously adopted.<sup>4</sup>

Several things had occurred in the recent agitation of Utah affairs throughout the United States, in the congressional legislation, in the administration of the Edmunds commission,—which arrived in Utah on the 18th of August, 1882, and immediately began preparations for conducting the November elections—and in the administrative acts of Governor Murray, that called for some word of protest and rebuke from the representatives of the people; and this convention afforded the official opportunity for doing that through its platform declarations. Those declarations, therefore, are an authoritative utterance upon many of the subjects pertaining to Utah and her people—chiefly consisting of the Latter-day Saints—that had been agitated before the country for the past several years, and for that reason said platform is of unusual importance.

The platform represented that the People's Party was struggling for Constitutional law and "the sacred privilege"—I wish they had said *right*, I am sure they meant it—"of local self-government."

On the subject of government itself the platform declared—"that the protection of life, liberty and the pursuit of happiness is the object of free government; . . . that free government can only exist where the people governed participate in the administration thereof."

Relative to the party in the Territory opposed to the People's Party the "Gentile" or "Liberal Party"—which really stood for the subversion of administration of the government by the people—the platform said: "Any party, or faction of a political community, that seeks to subvert the institutions of local self-government, aims a deadly thrust at the Constitution, and that

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4. Following is the text of the resolution:

*Resolved*, That in the Hon. Geo. Cannon the people of Utah have had an able, upright and fearless gentleman as their Delegate in Congress for several sessions; that his exclusion from the present Congress was a cruel blow aimed at the right of representation; that the honorable gentleman has the confidence, esteem, and admiration of the People's Party, and that we hereby tender him the thanks of the people for his faithful services in their behalf."



such party or faction is unworthy the suffrages of a free people." In reference to the action of Governor Murray in seeking to annul the expressed will of the people, in the delegate certificate matter, the platform said: "Any official who attempts to stifle the popular voice as expressed at the ballot-box is guilty of treason against the sovereign people."

Relative to the proposition—much discussed at the time through the American press, and especially advocated by political and other adventurers in Utah—that a legislative commission be appointed to enact laws, and with the governor and federal appointed judiciary administer them, the platform said:

"The right to frame laws suited to the requirements of the Territory having been vested by Congress in the legislature elected by its citizens, to deprive them of that right by substituting a commission, arbitrarily appointed, and thus to disfranchise a hundred and fifty thousand people and reduce them to a condition of serfdom, would be unprecedented in the history of the nation—an act that could not be justified by any actual necessity, and that the attempt by a pretended political party to create such a revolution in the government of this Territory is worthy only of conspirators and political adventurers."

The complaints made against the Latter-day Saints for contesting the constitutionality of recent congressional legislation, and especially for refusing to accept the administrative *dictum* of Governor Eli H. Murray in the matter of interpreting and administering the recently passed Edmund's law—in the matter of appointing local officers, to be more fully considered later—was dealt with in this paragraph:

"We believe in the right of the people of a Territory as well as of a state to test in the courts established by the government, the constitutionality or construction of any enactment, local or congressional, and express our astonishment at the public declaration of a high federal official of this Territory and the enunciation by a so-called political party that *the people have no rights except such as Congress may grant to them*, and that to differ with the Territorial executive about the construction of a statute, is nullification. We utterly repudiate such a monstrous doctrine as worthy alone of the most absolute despotism, and claim that the United States Constitution in its benign provi-



sions extends alike over the states and Territories of the American Union, and that it is the bounden duty of the governor as much as the humblest citizen to yield obedience to the laws as they are construed by the courts. We utterly repudiate the unconstitutional attempt by any executive to usurp judicial or legislative functions, and to hold the American citizen bound by the partial, prejudiced, unfair, and illegal construction which he may see fit to place upon any statute."

There had been an effort under the administration of the Edmund's law commission to have the Territorial statute conferring the suffrage upon women declared illegal. This on the initiative of "certain non-Mormon citizens of high character;"<sup>5</sup> first before the Utah Commission, and second before the courts. The commission heard the arguments patiently, and then unanimously decided against the motion to refuse registration to the women entitled to vote in Utah. "The courts of Utah were then appealed to," says A. B. Carlton, member of the commission. "They decided the law to be valid and the judges were abused and criticized."<sup>6</sup> With reference to this assault upon the statute of the Territory conferring the right of suffrage upon women the People's Party platform said:

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5. See "Report of the Utah Commission," to the Secretary of the Interior, 9th of August, 1882. "We concluded," said the report, "it was not competent for the commission to repeal or modify that statute in the manner suggested; that the principle of female suffrage is in no respect in conflict with the purpose of the Edmunds' law, and therefore that the commission had nothing whatever to do with the subject. Moreover, we found on investigation, that this statute had been in force twelve years without being adjudicated in the courts of the Territory or disturbed by Congress." (The Report of the Commission will be found in *Deseret News—Weekly*—Sept. 13, 1882, and pp. 532-3). See also "The wonders of the Wild West," with Sketches of the Mormons," by A. B. Carlton, of the Utah Commission and finally its chairman, p. 51. Carlton writes: "Woman suffrage had been established by law in Utah, with the implied approval of the congress of the United States, for twelve years. Besides the supreme court of Utah had decided that it was a valid law." In the last statement Carlton is in conflict with the Commission's report, and in error: for while the question had been before the supreme court of the Territory on mandamus proceedings, the court dismissed the case on demurrer without considering the validity of the act of 1870, conferring the suffrage on women. See Chapter CXVII, this History.

6. "Wonders of the Wildwest," p. 51. The matter came up before the United States district judges separately—Hunter, Emerson, and Twiss; each upheld the validity of the law, though Judge Twiss held that the effect of sustaining the validity of the law would be either to abolish the tax paying requirement in the case of male voters, statute of 1859; or add the tax-paying qualification to women voters; which one statute—1870—did not require of women voters. Otherwise with reference to the validity of the law he was at one with the other United States Judges. The account of the planting of these suits, hearing and decisions of the Judges, will be found in *Deseret News—Weekly*—of Sept. 20th, and 27th, 1882.





"For twelve years the women citizens of Utah have enjoyed the right to vote at all elections in this Territory and have exercised it with credit to themselves and to the benefit of the community, and the People's Party hereby denounces the attempts which have been made to deprive women voters of the right of suffrage, as an illiberal and unmanly assault upon vested rights and upon justice, equality and the principle of popular sovereignty."7

Other striking items of the platform were the pronouncement in favor of "honest and economized administration in government;"8 it repudiated the charges of lawlessness which had been made against the people of Utah (and therefore against the Latter-day Saints), and as proof that those slanders were without foundation an appeal was made to the records of the courts, and the "chief courts were not in any way in the control of the peo-

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7. *Deseret News*—Weekly—pp. 616-17—where the platform in full will be found. The following is written in defense of equal suffrage, which presents, perhaps, the most cogent utterance possible in behalf of equal suffrage in general: "Citizenship is the basis of the right of suffrage. While the elective franchise is a privilege conferred by law, the qualifications for its exercise grow out of the condition of citizenship, and as citizenship is not dependent upon sex or regulated thereby, whatever right of voting originates in the citizenship of men inheres also in the citizenship of women. Female citizens, equally with male citizen, are amenable to the law, therefore they are entitled to an equal voice with men in the framing of the law. As all just powers of government are derived from the consent of the governed, and that consent is expressed by the suffrage, and as women as well as men are made subject to the government of this country, the denial of the suffrage to women is inconsistent with the principles which underlie our national institutions. The moral and intellectual, as well as physical excellence of our sons and daughters being largely dependent upon the mothers who bear and train them, the women of the nation should be endowed with full political freedom; that being made familiar with political rights and principles, they be able to instill into the hearts of the rising generation the spirit of patriotism, the love of liberty, and a reverence for republican institutions." (Id.) In order to give recognition to the right of women to participate in political activities, Mrs. Emeline B. Wells and Mrs. M. I. Horne were elected members of the Territorial Committee of the people's Party (Id.)

8. The platform "pointed with pride" to the record of economy and honesty in the public administration of affairs "by officers elected from the ranks of the People's Party"; and also to the fact that the taxes in Utah were "lighter than (in) any other Territory." "The Territory is out of debt, the counties with one or two exceptions are in the same satisfactory condition. The records fail to furnish any instance of embezzlement or misappropriation of public funds by any official of that party. On the other hand when by frauds committed at the polls, Tooele county was wrested from popular control, the taxes of the county were shamefully misappropriated and embezzled; county scrip depreciated from par, to less than fifteen cents on the dollar, and even by the economy and honesty of the People's officials who have resumed control of its affairs, and although its paper is now worth ninety per cent, Tooele County is not yet quite out of debt and has not fully recovered from the evils of "Liberal" rule.



ple."<sup>9</sup> It was denied that the church (i. e. the Church of the Latter-day Saints) dominated the state; that priestly control infringed upon the freedom of the individual; that perjury or falsehood was justified; that intolerance was exhibited either for the discouragement of immigration, or the settlement on the public domain, or that there was invasion of the rights of any individual; that unequal taxation was encouraged or permitted; that public accountings are not given of the expenditure of public money; that the tenets of a church are taught in the district schools; that the people are influenced to disloyalty or antagonism to the government. *Per Contra* the platform affirmed it to be "the duty of every American citizen to render obedience to the Constitution of the United States and every law enacted in pursuance thereof." The concluding planks affirmed the preparedness of the Territory for self-government, by admission into the union as a sovereign state," and pledged the party to maintain and defend constitutional principles.

Philip T. Van Zile<sup>10</sup> was nominated by the Liberal Party and ran on a platform which charged every thing against the people of Utah which the People's Party platform denied. It declared that there could be no fair and impartial government in Utah "while the Mormon Church is permitted to control the law making power," and therefore favored the adoption of a commis-

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9. "And which," continued the plank on this subject, demonstrate the startling fact that the so-called "Liberal" class, constituting less than twenty per cent of the population of the Territory, *furnishes over eighty per cent of the criminals.*" To this statement of the platform is added one even stronger, to the same effect, by one of the members of the Commission, A. B. Carlton, who in the text of his book says: "I was not long in discovering that one was as safe in Salt Lake City by day or night as in any other city of the United States;" to which he adds this foot-note in comment. "Later I ascertained that if a man should be sand-bagged, robbed, or have his house burglarized, the chances were ten to one that the perpetrator would be an 'out-sider' and not a Mormon. It is a fact, shown by statistics, that while only about one-fifth of the population of Utah are Gentiles they contribute at least four-fifths of the crimes of a heinous character. The same proportion will hold good as to misdemeanors—excepting, of course, polygamy and unlawful cohabitation." (*Wonderland of the Wild West*) 1891—p. 54.

10. Mr. Van Zile was United States district Attorney for Utah at the time of his nomination, and came to Utah in that capacity in March, 1878. The gentleman came from Michigan. Before the nomination of Van Zile the convention tendered the honor to Allen G. Campbell, by unanimous vote, but he declined. The Liberal party platform devoted a plank to eulogy of his leadership during the past two years; and also supported Governor Murray in his action in the Campbell certificate matter.



sion form of government. Mr. Van Zile, in fact, sought to impress the audiences he addressed during the campaign with the idea that his election "meant statehood for Utah, while his defeat meant a legislative commission."<sup>11</sup>

After a very extended and earnest campaign, the election took place on the 7th of November, with the result that Mr. Caine received 23,639 votes; Van Zile, 4,884. Notwithstanding his overwhelming defeat at the polls, the defeated liberal candidate protested before the commission against any votes being counted for Mr. Caine, because he had been voted for to fill the unexpired term of delegate from Utah in the 47th Congress, as well as for the full term of the 48th Congress; because the two ballots in the one envelope in such voting revealed for whom the ballot was cast, and thus violated the secret ballot law of the Territory; and that said Caine was ineligible because within the meaning of the Edmund's law he was a polygamist—that is, a believer in the rightfulness of polygamy. All these objections were overruled by the commission. Next was presented to the board of canvassers appointed by the commission, a protest against their issuing a certificate of election to the successful candidate on the ground that the right to issue said certificate under the laws of Utah belonged to the governor, and that the Edmund's law had not annulled that right. This protest was unanimously over-ruled by the canvassing board, and the certificate of election given to Mr. Caine.<sup>12</sup>

On the convening of the second session of the 47th Congress, Mr. Caine presented in a petition for admission the facts of his election to fill the unexpired term of the delegate from Utah in the 47th Congress (to which he was elected by 15,590 votes);<sup>13</sup> and soon afterwards, *viz*, on the 17th of January, 1883, he was admitted to his seat, by the house voting to approve the unani-

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11. Account of Liberal party rally at Ogden October 18, 1882, Daily News of that date—*et passim*. Also Daily News of Oct. 31st, account of meeting at Tooele. An elaborate history of this notable campaign with the platforms of both parties in full, and a number of the speeches of leading participants in it will be found in Tullidges Quarterly Magazine, for Jan. 1883, pp. 426-454.

12. See proceedings at length before the commissioners and the Board of Canvassers, *Deseret News—Weekly*—of Nov. 22, 1882, p. 696; and in Tullidges Quarterly Magazine, Jan., 1883.

13. Congressional Record, Dec. 4, 1882, p. 14.





mous report of the committee on elections that he was entitled to the same.<sup>14</sup>

The Utah commission created by the Edmunds law of 1882, the members of which were appointed by President Arthur, on the 16th of June, 1882, was made up of men of fairly high character.<sup>15</sup> All of them were, or had been, practicing lawyers, and two of them had been United States senators. The personnel of the commission was as follows: Ex-Senator Alexander Ramsey, of Minnesota; Ex-senator Paddock, of Nebraska; George L. Godfrey of Iowa; James R. Pettigrew, of Arkansas; and Ambrose B. Carlton, of Indiana.

On their arrival in Utah in August the commission found "a strong disposition with some non-Mormon citizens against preparing for the election of delegate to congress," but finding that by United States statutes the Territory was entitled to representation in congress by a delegate, they proceeded with the election with the results above stated. Relative to the decisions of the commission in the matter of the women registering and voting; as also with their ruling with reference to the Van Zile protest against the votes cast for Hon. John T. Caine being counted, for the reasons already stated—in all these matters the commission seemed to have acted fairly, though by their procedure they drew upon themselves the abuse of the anti-Mormons of the local community. In other respects, however, their actions indicated an unfairness towards the majority of the people of Utah—the Mormon population. In the matter of appointing registrars, for example, to enroll voters for the November election: eight were "Mormons," seven Gentiles, nine apostates. Yet according to the United States census of two years before, 1880, the "caste" population was as follows: Mormons 120,283; Gentiles, 14,156; Apostates 6,988: "Josephites" (members of the reorganized church) 820; doubtful 1,716. The allotment of the

14. Congressional Record, of 17th of Jan., 1883, pp. 1298-9.

15. Judge Jeremiah S. Black assured the Mormons of Utah, as their counsel, that "five gentlemen of higher character could hardly be found in the union," "I assured my clients," he said, "that they might be relied upon to do the simple duty assigned them, of holding the elections honestly, fairly to all parties, and faithfully according to the laws of the territory." "Judge Black's address to the secretary of the Interior, 29th September, 1882, published in full in *Deseret News—Weekly*—of Oct. 25th, concerning their official actions, however, the Judge had occasion later to speak with some severity. See his address just cited.



population by the commission for registration purposes was as follows: "To 'Mormon' registrars, 12,308; Gentile, 63,543; Apostate, 68,112."<sup>16</sup>

More serious, however, was their administration of the Edmunds act with reference to the disfranchisement of a large number of people—between 12,000 and 14,000, according to one of the commissioners<sup>17</sup>—by means of an expurgatory test oath which covered practically the period of their whole past lives. There is nothing in the Edmunds' law itself which justified such procedure as this. Granting, for the sake of the argument, the jurisdiction of congress to pass the law inflicting the added punishment—noting in passing, however, that to add disfranchisement to the penalties already provided of fine and imprisonment for this offense, seems somewhat harsh and unusual,<sup>18</sup>—the question remains, "had they the right to inflict it for past offense as for future offenses without legal conviction?" "If I had the voice of a thousand trumpets, I would answer *No* as loudly as I could," said Judge Black in his address to the Secretary of the Interior. He then continues:

"Mr. Edmunds, who framed the act of 1882, did not stultify himself by proposing to give it a retroactive effect, nor did any member of either house express the belief that citizens could be punished by disfranchisement, or in any other way, without trial by judge and jury. They all knew better. When they declared in section 8—that a polygamist should not vote or hold office they simply meant that a person thereafter guilty of polygamy should, upon legal conviction, be deprived of his civic rights. To suppose that they meant anything else would be charging Congress with a willful violation of the Constitution which its members take an oath to support, and it is a well es-

16. *Mill. Star*, Vol. XLIV. "Utah News," p. 639. "This is a specimen of American justice," adds the English Chronicle.

17. Judge A. B. Carleton. "As a result of the enforcement of provisions of the (Edmund's) law, between 12,000 and 14,000 polygamous Mormons were disfranchised. This includes men and women." (Interview with Carlton at City of Washington, Dec. 10th, 1882, *Washington Republican*, copied into *Mill. Star*, Vol. XLV, p. 71).

18. "Congress . . . held the opinion that fine and imprisonment were altogether too merciful, and therefore they super-added the penalty of entire and perpetual disfranchisement, perfect deprivation of all political rights, total disability to vote or hold any office whatever either in Utah or elsewhere, under the United States or under any territory, *which was civil death and infamy* besides. It is vain for the Utah people to complain of this as cruel and impolitic." Judge Black's address to the secretary of the Interior elsewhere cited.



established rule of interpretation that such perjurious wickedness shall never be imputed to the legislative department, unless the evil intent be expressed in words so plain that no other construction is possible.

"Yet this commission by its registration rules 'with all the solemnity of a supreme legislature they command the registration officers of every precinct to strike from the list of voters every citizen who refuses to swear that he is innocent of polygamy and to place none on the list who will not undergo the same expurgatory process.'"

This in the first issue of their rules, which later by circular they expressly directed the registrars to go as far back as 1862,<sup>19</sup> "and put the penalty of disfranchisement upon all who cannot stand the test, or will not subject themselves to it"<sup>20</sup>—"catching them with a test oath which reached back like the terrible right hand of a gorilla." Cases involving this rule, however, were taken to the courts of Utah where the action of the commission was sustained, both in the district courts, and in the supreme court of the Territory. The question was then appealed by the people to the Supreme Court of the United States where the Utah courts, respecting the power of the commission to prescribe such a test oath as contained in Rule II, here discussed, or "to prescribe any conditions of registration or of voting,"—were reversed; and the acts of the commission in these respects were declared to be "null and void."<sup>21</sup>

19. The order of the commission on this point will be found in Commissioner Carlton's "Wonderlands of the Wild West," pp. 103-4.

20. See Rules of the Commission with test oath accompanying them, *Deseret News*—Weekly—of Aug. 30, 1882; p. 500; and *Ibid* of Oct. 25th in Judge Black's address, p. 638. The part of the oath referred to ran as follows: "And I do further solemnly swear (or affirm) that I am not a bigamist nor a polygamist; that I am not a violator of the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any women which has been entered into or continued in violation of the said laws of the United States, prohibiting bigamy or polygamy, and, (if a woman) that I am not the wife of a polygamist, nor have I entered into any relation with any man in violation of the laws of the United States concerning polygamy or bigamy.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 1882.

\_\_\_\_\_  
Registration Officer,  
\_\_\_\_\_  
Precinct.

21. The Supreme Court decision was rendered at the October Term, 1884, *Jesse J. Murphy vs. Alexander Ramsey et al.* U. S. Supreme Court Reports Vol. XIV, pp. 47-58. The following from the syllabus of the case will show the scope of the decision on the powers of the commission: (1) "The Board of Commission-

The first of these is the fact that the Church of England is a Church of the people, and not a Church of the State. It is a Church which has been built up by the people, and for the people, and which has always been the property of the people. It is a Church which has always been the property of the people, and which has always been the property of the people. It is a Church which has always been the property of the people, and which has always been the property of the people.

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Judge Black further characterized the lawless procedure of the commission,—having special reference to the test oath as unwarranted legislation by them—in these terms:

“This (i. e. test oath, see context) is a bill of pains and penalties to visit whole classes of people with a frightful punishment. It was enacted by the Commissioners themselves without other authority than their own arbitrary will. It deprives their victims of rights as sacred as those of life or property. The Commissioners had no more right to pass such a decree than they had to order that every Mormon in the Territory should be shot or strangled. Indeed the massacre at Glencoe commanded by William the Third for delay in taking a test oath closely resembled this case in every point and circumstance, except that it was death there and only disfranchisement here. That was more cruel in degree, but this is worse in principle, because it is done in defiance of a constitutional interdict.

“No such outrage can be legally perpetrated in this country. Congress is utterly powerless to do it in the territories or in the District of Columbia for all its ‘exclusive jurisdiction.’ It would be void if injected in the Constitution of a sovereign state as you will see if you look at *Guinnes vs. Missouri* in 4 Wallace.

“This measure is not merely an Act of Attainder or Bill of pains and penalties and therefore unconstitutional. It violates the fundamental law by inflicting punishment without trial—a degrading and infamous punishment—consisting in deprivation of the most important right that a citizen has—entailing the loss of his caste in society and reducing him to the condition of a mere pariah denying him the privilege to participate with his fellow citizens in managing their common concerns, prompting their joint interests and guarding their equal rights. The injury

ers . . . have no power over the registration of voters or the conduct of elections. Their authority is limited to the appointment of registration and election officers, to the canvass of the returns made by such officers of election, and to the issue of certificates of election to the persons appearing by such canvass to be elected. (2) The registration and election officers are required . . . to perform their duties under the existing laws of the U. S. including the act of March 22, 1882, (the Edmund’s law), and of the Territory. (3) As the Board of Commissioners had no lawful power to prescribe conditions of registration or voting, any rules of that character promulgated by them to govern the registration and election officers were null and void.” (4) The registration officers were bound to register only such persons as being qualified under the laws previously in force, and offering to take the oath as to such qualifications prescribed by the Territorial act of 1878, were also not disqualified by the 8th section of the act of Congress of March 22, 1882. (7) A bigamist or polygamist . . . is a man who, having contracted a bigamous polygamous marriage . . . maintains that relations and status at the time when he offers to be registered as a voter . . . The disfranchisement operates upon the existing state and condition of the person and not upon a past offense.



is aggravated in the present case by the fact that it weakens, and no doubt is intended to weaken, the people in the desperate struggle which they are now making for civil liberty and honest government."

The Judge also held that this commission legislation was *ex post facto* in its character, and therefore was "odious, unjust, and unconstitutional."

Besides this (i. e. besides the test oath being a bill of pains and penalties and inflicting punishment without trial) it is *ex post facto* in its operation. The registering and election officers are required to extend the inquisition over twenty years of every man and every woman's previous life, hold all to be guilty who do not furnish the demanded proofs of their innocence, and thereupon adjudge them to suffer a punishment which no law annexed to their offences at the time they were committed. It was not until March, 1882, that Congress declared polygamy punishable by incapacity to vote or hold office. But here is a *rule* which inflicts these infamous disqualifications for all acts done as early as 1862.

"All test oaths for a purpose like this as for any punitive purpose are odious, unjust and unconstitutional."<sup>22</sup>

The supreme court of the United States two years later held that the 8th section of (Edmund's) act was not "intended, and does not operate as an additional penalty prescribed for the pun-

22. Judge Black's address to the Secretary of the Interior, *Deseret News*—Weekly—of Oct. 25, 1882. The whole of the Judge's speech needs to be read to appreciate the full force of its argument, supplemented by a wealth of illustration that makes it power overwhelming. Commenting upon the speech immediately following its delivery, Sept. 29th, the *New York World* said: "This [i. e. the issuance of the Commission's rules] is distinctly the most outrageous attack upon civil liberty which has been made in a time of peace during the whole period of American history. Judge Black properly describes this legislation of the Commissioners as infamous, and gives these unanswerable reasons for the description: 'It is a bill of pains and penalties; it is punishment without trial; it assumes that all men are guilty who refuse to clear themselves by an expurgatory oath—reversing the rules of evidence which lie at the foundation of civil liberty; it is *ex post facto* in its operation, going back a whole generation to disfranchise people for offence committed long before there was any law to inflict that penalty upon them.' When an attempt is made to put such a measure in practice against the people of Utah for the purpose of enabling an insignificant fraction of its inhabitants to control the overwhelming majority, the issue is one which concerns and almost equally concerns all the people of the United States. The *World* deliberately repeats, what the *World* has already deliberately said, that in resisting this infamous usurpation to the death, if need be, the people of Utah will be fighting the battle and will be deserving of the thanks of all the people of the United States." (Quoted in Mill. Star, Vol. XLIV, p. 735).



ishment of the offense of polygamy, but merely defines it as a disqualification of a voter." "It is not, therefore," the court concludes, "objectionable as an *ex post facto* law."<sup>23</sup> This, of course, has reference to the law as construed by the supreme court, not to the law as administered by the commission, which was the thing assailed, and with just indignation, by Judge Black. Moreover, and with due respect to the supreme court's decision, it would be difficult to maintain as a matter of fact—what ever may have been the intent of the law in the case—that the disfranchisement effected by the Edmund's law was not an additional penalty prescribed for the punishment of the offense of polygamy."

In addition to the injustice above noted another abuse and injustice arose under what is known as the Hoar amendment to the Edmund's law. This was an attempt to seize all the Territorial and county offices from Territorial auditor and treasurer, to precinct justices of the peace and constables, hitherto elected by the people, of which attempt the following is a brief statement:

The Territorial law provided for the election of all Territorial and county, and precinct officers—including members of the Territorial legislature—on the 8th day of August, biennially. The time of the election interrupted by the Edmund's law was the 8th of August, 1882. All the registration and election officers of every description were vacated by the ninth section of the Edmund's law; the commission provided for by the same section were not nominated by President Arthur until the 16th of June;<sup>24</sup> they did not receive their commission until early in July; they held their first meeting in Chicago, on the 17th of that month, and did not arrive in Salt Lake City until the 19th of August, and of course no election for Territorial and county officer could be provided for that year. The law required that the registration should take place in May, and be revised in the first week in June; and none but registered voters, of course, could vote.<sup>25</sup>

23. Jesse J. Murphy *vs.* Alexander Ramsey, *et al*, U. S. Reports, Vol. XIV. Syllabus.

24. Commissioner Carlton, "Wonderland of the Wild West," p. 47.

25. See Utah election law of 1878; also letter of all the U. S. Utah Judges to Senator Lapham of New York, read in the Senate Congressional Record of Aug 2nd, 1882.





Under this state of facts it was impossible that an election could be held in August of that year, since it could not be held by officers whom the people had previously chosen, but whom the Edmund's law had displaced, and the commission provided by the congressional act were not appointed in time to conduct the registration.

Under these circumstances the three federal judges in Utah, *Messrs.* Hunter, Emerson, and Twiss, joined in a letter to senator Lapham of New York, calling the senate's attention to the fact that the August election for Territorial and county officers for reasons above given would default; "that this failure to elect" was likely "to cause general disturbance and trouble. . . . We therefore ask that congress shall take such measures as will provide for legal successors to all the present incumbents of office whose successors would have been chosen at the August election, and thereby secure the continuance of good order, and the regular and undisputed support of organized government, which otherwise would be seriously jeopardized."

Upon this recommendation senator Hoar, chairman of the senate judiciary committee, in the last days of the first session of the 47th Congress, brought in an amendment to the sundry civil service bill authorizing the governor of Utah "to appoint officers in the said Territory to fill vacancies which may be caused by failure to elect on the first Monday in August, 1882," in consequence of the provisions of the Edmunds' law that displaced the registration and election officers. The appointed officers were to hold their offices until their successors were elected and qualified under the provisions of the Edmunds' law.<sup>26</sup> Senator Joseph E. Brown of Georgia, forced upon the measures the following amendment. "Provided that the term of said officers shall in no case exceed eight months."<sup>27</sup>

When this senate amendment came up in the house on the 4th of August, it was sent to the conference committee which reported it back on the 5th and announced that it had been withdrawn from disagreement; and Mr. Blackburn, of Kentucky, urged its passage. Mr. Converse of Ohio sought to have the

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26. See Senate procedure in Congressional Globe for August 2nd, 1882.

27. *Ibid.*



measure so amended that it would not apply to any officers *who had not been guilty of polygamy, where, under the laws of the Territory of Utah, they can hold their respective offices until their successors are elected and qualified.*"<sup>28</sup>

The conference report, however, was not subject to amendment; but Mr. Converse managed to so introduce an amendment as to have it go into the Record; and in the debate upon his proposition the following state of facts was developed, viz: That Mr. Blackburn of the conference committee had endeavored in the sessions of that committee to get practically the same modification of the measure that Mr. Converse offered in the house. "I did not see any necessity," remarked Mr. Blackburn, "for ousting men from office when under the law of the Territory they would remain, in all cases where the statute declared that the incumbent should hold until his successor was elected and qualified. I tried to get an amendment to that extent and failed." To this Mr. Butterworth, also a member of the conference committee, answered: "Allow me to call the attention of my colleague on the conference committee to the fact that it was agreed in the conference committee that what the Gentleman proposes was effected by the law (i. e. Utah law) as it stood." To which Mr. Blackburn replied—"I was going to say, that while the amendment which I offer was voted down, *every member of the conference committee insisted that the law itself provided for the case, I only sought to make it more specific and to give it a construction which would prevent any such practices as the gentleman from Ohio (Mr. Converse) has suggested as possible.*"<sup>29</sup>

28. *Ibid.* House proceedings 5th of August, 1882.

29. *Ibid.* House proceedings for the day of August 5th, 1882. Mr. Converse in the hearing he secured for his proposed amendment for entrance upon the record insisted that the granting of this appointing power to the Governor of Utah "the treasury of that Territory in the hands of a returning board." "By this provision," he further urged, "you have bound that territory hand and foot, and given it over to carpet bag governors and returning boards to rob, as the southern states have been robbed by the same class of officers within the last few years." When Mr. Blackburn spoke eulogistically of Governor Murray, as a Kentuckian known to him and highly esteemed, Mr. Converse answered, that if the gentleman from Kentucky (Mr. Blackburn) would "examine, the files and papers in the office of the Bureau of justice in this city (Washington), he will find an examination made by the last administration of Mr. Murray's proceedings as marshal of Kentucky, which I think would induce him to modify his opinion. He also said that Mr. Murray's recent action in the



It is very clear from these facts developed in the debate upon this measure, that it was not the intention of the legislators to vacate the Territorial and county officers in Utah where the Territorial law provided that present incumbents should hold over until their successors were elected and qualified,<sup>30</sup> and as this was a general provision of the Territorial law there were clearly no vacancies to fill—except in cases of death or resignation, or established—not assumed—cases of polygamy. “It is clear beyond possible doubt,” said Judge Black, in his address to the Secretary of the Interior, “that the Hoar Amendment did not bring the much coveted power within the grasp of the governor.”<sup>31</sup> Yet in the face of all this, Governor Murray assumed that the Hoar amendment vacated all the Territorial and county offices that would have been filled by the votes of the peo-

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Campbell certificate matter, is not calculated to inspire confidence in either his judgment or his property. But without regard to him,” concluded Mr. Converse, “such power ought never to be taken from the people and placed in the hands of any one man. Neither ought he to be subjected to any such temptation.” (*Id.*) The matter referred to by Mr. Converse respecting an examination “made by the last administration” regarding Utah’s governor, has reference to an examination before the Committee on Expenditures in the Department of Justice, of which Mr. W. M. Springer, of Illinois, was chairman. The charges against Murray were made by John D. White, representative in congress from the state of Kentucky, Henry Diven, an ex-deputy marshal of that state, and G. K. Chase. These charges were in substance “that Governor Murray, while U. S. Marshal of the district of Kentucky, collected illegal fees and made illegal charges for guards and for the transportation of prisoners.” The hearing had was not a very searching one. When it had reached a certain point of development it was “quashed,” the committee refusing to proceed further, since it was claimed that after Justice Harlan of the supreme court of the U. S., and Mr. John G. Carsile, speaker of the house of representatives had testified to the general good character of Governor Murray, his vindication was evident. On the other hand it was held that the investigation was merely a “white-washing affair,” and that the committee had refused to call quite a long list of witnesses submitted to the committee by Mr. White both in his oral testimony and in a written communication. After the “investigation” was closed Representative White, in order to show the inadequacy of it introduced the subject in a speech on the floor of the house on the 18th of April, while the renomination and reappointment of Murray as Governor of Utah was under consideration in the senate. The speech appears in the Congressional Record of April 25th, 1884, and in the Appendix of the record of that congress. Mr. White published as an appendix to his speech, the testimony taken before the Springer committee. If the Springer Committee’s “investigation” was a white-washing affair it was effective, since Murray was reappointed to the governorship of Utah, and on his return to Salt Lake City was given a hearty public welcome and banquet by the Utah Ringites (for account of which see *Deseret News Weekly*—of July 2nd and 23rd, also *S. L. Tribune*, of July 15th, 1884, and *Deseret News* and *Salt Lake Tribune* *passim* for 1884).

<sup>30.</sup> And as Judge Black remarked in his address to the Secretary of the Interior, “for that reason, and that alone it (the Hoar amendment) was not stricken out.”

<sup>31.</sup> Address in *Deseret News—Weekly*—of Oct. 25, 1882, pp. 638-9.





ple had the August election been held,<sup>32</sup> and proceeded by proclamation to fill the same by his own appointees. By his first proclamation, 16th of September, he appointed 106 such officers, including the Territorial auditor of public accounts; in a second proclamation, 27th September, he appointed 40;<sup>33</sup> and in a third proclamation, Oct. 20th, he appointed 28,<sup>34</sup> making a total of 174. These appointments were nearly all made from the "Gentile" or from the "Apostate" Mormon classes of the community. Only in rare cases, and these only when there was none from the other classes to be found at all suitable, was there variation from the rule.

A syndicate of law firms was formed to conduct the necessary litigation in the cases, to prepare the bond and oath of office for the appointees, and instruct them as to what steps would be necessary to take to be installed and who would also attend to the prosecution of such suits as might be deemed necessary to test the right of the appointees to the several offices. Each of the appointees was to send to the self-constituted committee of Salt Lake county appointees, who took this business in hand, \$15.00 to meet the expense thus incurred.<sup>35</sup>

The "office grab" of Governor Murray, *et al.*,<sup>36</sup> however, did not succeed. The officers elected by the people refused to vacate

32. Full list in *Deseret News—Weekly*—of Sept. 20, 1882.

33. *Ibid.*, Oct. 4, p. 591.

34. *Ibid.* of Nov. 8, p. 661.

35. The self-constituted committee were H. J. Wenner, Probate Judge; William Nelson, county clerk; Edmund Wilkes, surveyor; Arthur Pratt, sheriff. The law firms syndicated were Marshal and Royal; Sutherland and McBride; Dickson and Varian; Williams and Young; and to these was added P. T. Van Zile, the U. S. District Attorney. See *Deseret News—Weekly* of Oct. 4, 1882, p. 583. In same impression will be found the instructions of these lawyers as to procedure for the appointees to follow in filing bonds and applying for their offices.

36. That the Utah "ring" stood in with the governor in this attempt at seizing the local government of the people through this wholesale and indiscriminate grab at the territorial and county offices admits of no doubt. A question of much interest is whether or not the Federal Judges of the Territory who culled the attention of the Senate to the supposed situation resulting in the passage of the Hoar amendment, were also in the plot against local government. Judge Black charges that they were. He held that the failure to elect in August did not create any vacancies in the Territorial offices. "Not only the general rule of law but a special statute declaring that all offices in Utah shall hold their places until their successors are duly chosen and qualified." "The Federal Judges in Utah know this very well," he said: "but they were desirous to enlarge the power of the governor. 'The judges,' he continues, 'manifestly wanted an Act of Congress which would, in express terms, authorize the Governor to seize all the offices whether vacant or not, thrust out the incumbents chosen by the people, and fill their places with creatures of his own. (Address to Secretary of the Interior).



in favor of the governor's appointees. Test cases were taken into the courts upon which various decisions were rendered chiefly in respect of procedure, and in the one case where a writ of mandate issued—the Richards-Kimball case, involving the office of probate judge of Weber county—an appeal was taken to the supreme court of the Territory. This court's decision, rendered in February, 1883, was favorable to the Governor's appointee, Mr. Kimball, an appeal was taken to the supreme court of the United States. It was evident, however, that before the matter could be adjudicated by the tribunal, the eight months which marked the limit for which the Governor's appointment would hold, would be passed, and therefore the case never reached the court of last resort; and the "office grab" passed into history as an abortive effort against the existence of local self-government in Utah. "The attempt," however, without the consummation of the deed is sufficient in atrocity to "confound" the Utah conspirators against the American principle of home rule in Utah. The following August a regular election for Territorial and county officers took place under the direction of the Utah commission, and officers, the choice of the people, were elected.<sup>37</sup>

It must not be thought that the Latter-day Saints—then the very large majority of the people of Utah, and the people especially against whom all this federal legislation was leveled—were indifferent to their liberties or inactive in maintaining them. They made a brave resistance to the encroachment of the central power into the domain of local government. This, as we have already seen, through the effort of their delegate to congress, Mr. Cannon, to maintain his place in the house of representatives. Second by selecting a man from the same political party and of the same religious faith rather than an "alien" to the local community, a federal office holder who sought the place under

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37. The official returns by counties will be found tabulated in *Deseret News*—Weekly—of Oct. 10th, 1883, p. 606. The total vote cast was 21,969; of which the People's Party cast 20,508; and the Liberal Party 1,453. The vote in the previous November had been People's Party 23,039 and the Liberal Party 4,884, a falling off in the Liberal Party's vote of 3,431; and of the People's Party, a decrease of 2,531. The Utah Commission in their Report to the Secretary of the Interior deplored the decrease in the Gentile vote, for the reason that it was believed that by proper effort and good management, one or more non-Mormons could have been elected to the legislature. †Commission Report, Oct. 30th, *Deseret News*—Weekly—of Nov. 7th, 1883.



the plea—or more nearly the threat—that his election would mean statehood for Utah, while his defeat meant “a commission form of government.” Also by the Utah legislature memorializing congress in relation to Utah affairs while the Edmund’s bill was pending in the senate and other drastic measures were before congress. “We do most earnestly memorialize congress,” said the legislative assembly, in their conjoint Memorial, “not to act hastily upon extreme measures, radical in intent, and which would be hurtful in application; but to appoint a commission of honorable gentlemen to come to Utah, empowered to send for persons and papers, and otherwise authorized to fully investigate the affairs of the Territory, the citizens thereof, and every matter bearing upon the question at issue.”<sup>37½</sup>

This was supplemented later by a more formal and pretentious memorial, making the same request, and drafted by a special, conjoint committee of the house and council, setting forth in detail the reasons why an investigating commission should be sent to Utah to inquire into the Territory’s affairs before radical measures should be enacted. The memorial is an able state paper, giving a resume of the whole ground of controversy as to the “Mormon Question” in Utah, from the pro-Mormon standpoint.<sup>38</sup>

One thousand of the memorials were ordered printed in pamphlet form, that copies might be sent to the President of the United States, to members of the cabinet, and to each member of

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37½. “The memorial complete signed by Francis Marion Lyman, Speaker of the house, and Joseph F. Smith, President of the council, will be found in *Deseret News—Weekly*—of Feb. 22nd, 1882.

38. The conjoint committee which drafted the memorial was made up of the following members: of the council, Erastus Snow, Daniel H. Wells, John T. Caine; of the house, Charles W. Penrose, Lorin Farr, John Jaques, Edward Partridge, Edward Dalton. Among the charges refuted was one that the affairs of the Territory were under the control of “foreign born citizens,” “yet the present legislative assembly contains twenty-seven American-born, and but nine naturalized citizens,” said the Memorial. Again, in respect to education: “We are accused of being opposed to education. Statistics demonstrate the contrary. Territorial tax, equal to that from which the entire revenue of the Territory is derived, is annually assessed, collected, and disbursed exclusively for payment of school teachers in district schools, open to the children of all citizens, irrespective of creed, color, or party; while in addition, a local option law permits a tax not “exceeding two per cent for general school purposes, to be annually assessed in the district where the people so elect by popular vote.” (*Deseret News—Weekly*—of March 8th, 1882).





the house and United States' senate. No heed was paid to these memorials by congress.<sup>39</sup>

It was decided also by the legislature of 1882 to make another effort to obtain statehood for Utah as a means of escape from the repeated assaults upon the rights of the people to local self-government. "It is the right and the duty of the people of Utah," said the legislature, "to plead for and demand a Republican form of government, so that they and their posterity may enjoy the blessings and liberties, to secure which the founders of this great nation lived, and labored, and struggled, and died." Accordingly a resolution was passed authorizing the assembling of a convention on the 10th of April, 1882, consisting of double the number of the total representation of the respective counties to the Territorial legislature—which would amount to seventy-two members for the convention. Said delegates were to qualify by being sworn before any person authorized to administer oaths, and then proceed to organize the convention by electing a President, secretary, and other officers; and when organized the convention might proceed to frame a state Constitution, "name the proposed state and define its boundaries, elect or appoint delegates to proceed to Washington, and urge the claims and rights of Utah to Statehood, nominate and provide for the election of a governor, legislature, judges, secretary and other state officers, and a representative to congress; to provide for a session of the legislature for the purpose of electing two United States' senators; and said convention may take such other steps and devise such other measures as may be considered wise for the accomplishment of the object in view; that the Constitution framed by said convention and nominations for state and other officers shall be submitted to the people, for their approval or disapproval, at an election to be held at such time and under

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39. A counter memorial was sent from a meeting of "prominent Gentiles" representing that the memorial by the Utah legislature asking for the appointment of an "Investigation Commission" was merely a trick to gain time, and that should the petition be granted it would be claimed that it was a "divine interposition in favor of polygamy," and used "to incite the masses of the Mormon people against the just authority of the national government." This memorial bears date of 17th of February. It was published in the *N. Y. Herald* of Feb. 18th, 1882. The *Deseret News* questioned its being sent out from a "meeting of prominent Gentiles." (Weekly—issue of March 8th, 1882). Evidently the meeting was not a public one.



such regulations and provisions as said convention may determine.'"<sup>40</sup>

The convention met at the time appointed, framed and unanimously adopted a constitution, and submitted it to a vote of the people. The vote was taken on the 22nd of May, and adopted the constitution by 27,814 votes, as against 498 in the negative.<sup>41</sup> This in the face of the unlikelihood of obtaining a favorable consideration by congress was a remarkable vote.<sup>42</sup> On the 6th of June the Constitutional Convention reconvened drew up a memorial to congress and elected a committee to present the Constitution to that body.<sup>43</sup> The matter of Utah's statehood, however, was not presented in Congress until 23rd of February, 1883. On that day United States Senator Wilkinson Call, of Florida, presented in the senate the memorial of four members of the convention committee, praying for the consideration of Utah's petition for statehood, asking also for the repeal of some sections of the Edmund's bill, and protesting against the injustice of other legislation then pending in congress. The memorial was referred to the committee on Territories, ordered printed in the record; but beyond this no favorable action was taken on the petitions and memorials of the people of Utah. On the 11th of December, 1883, in the 48th congress Mr. Caine, the delegate from Utah, presented a bill for the admission of Utah as a state, some what in pursuance of the action of the convention of 1882; but this measure received no consideration beyond reference to the committee on Territories.<sup>44</sup>

None of these efforts on the part of the people, as we already

40. *Deseret News*—Weekly—of March 15th, 1882, p. 115. Where the resolution authorizing the convention is given complete.

41. *Deseret News*—Weekly—of June 14, 1882. The returns of the voting on the constitution are certified by the president of the council and the speaker of the house of the legislative assembly whose action authorized the convention (*Id.*)

42. The Cannon-Campbell vote—1880—for delegate to congress had been but 18,567, and 1,357; and in 1882 the vote for delegate to Congress was but 23,039 for Caine, and 4,884 for Van Zile; so that the interest of the people of Utah in the question of statehood, even under discouraging circumstances, was greater than in an election of delegate to congress.

43. The personnel of the committee was as follows: Wm. H. Hooper, John T. Caine, James Sharp, Wm. W. Riter, F. S. Richards, D. H. Perry, H. D. Johnston. (*Deseret News*—Weekly—of June 14th, 1882). Of this committee but four—Caine, Richards, Peery and Johnston, appeared at Washington to present the Memorial and Constitution (see Congressional Record 47th Congress, 2nd Session, p. 3149).

44. See Congressional Record of 11th of December, 1883.



have seen, availed anything in preventing the passage of the Edmunds' bill,—it became law; and the only thing left for the Latter-day Saints to do was to adjust themselves to the changed conditions as best they could. To aid them in this the First Presidency of the Church addressed to them an epistle of instructions shortly after the arrival of the Utah Commission and the issuance by them of rules and instructions to the registrars and judges of election they had appointed. The justification for sending forth this epistle rested upon the fact that the First Presidency learned "from many quarters" that some of the Church members were not clear in their minds as to the course they ought to take in respect of registering and voting. Some were reported to view the requirements of the law as the commission proposed to administer it as iniquitous; others had scruples about taking an oath which embodied all the odium of a religious test; and still others felt so indignant that they would "rather suffer the loss of citizenship [i. e. the elective franchise] than to seek to maintain it" by such methods as were proposed by the commission. Referring to this condition it was pointed out in the epistle that it was as a religious community that the Latter-day Saints were assailed, and it was the duty of those who under the law could do so to defend the community by exercising to the proper extent the few political privileges left to them in the interest of the community. Following is the paragraph bearing upon this point:

"Our counsel, then, is to the Latter-day Saints, who can truthfully take this oath, there is no reason that we know of in the gospel, or in any of the revelations of God, which prevents you from doing so. You owe it to yourselves; you owe it to posterity; you owe it to those your co-religionists who, by this law, are robbed worse than even many of yourselves, of their rights under the constitution; you owe it to humanity everywhere; you owe it to that free and constitutional form of government, which has been bequeathed to you through the precious sacrifices of many of your forefathers—to do all in your power to maintain religious liberty and free, republican government in these mountains, and to preserve every constitutional right intact, and not to allow, either through supineness or indifference, or any feeling of





resentment or indignation because of wrongs inflicted upon you, any right or privilege to be wrested from you.”<sup>45</sup>

This counsel was heralded throughout the press of the United States as “Mormon opposition to the Edmund’s Law.”<sup>46</sup> The epistle also called attention to what the First Presidency regarded as extra administrative action on the part of the commission in putting the law into operation. The law itself provided “that no polygamist, bigamist or any person *cohabiting with more than one woman*, and no woman cohabiting with any of the persons described as aforesaid in this section, . . . shall be entitled to vote at any election,” etc. The commission in rule two required the applicant for registration to swear—“I am not a violator of the laws of the United States prohibiting bigamy or polygamy; I do not live or cohabit with more than one woman, *in the marriage relation*.” This phraseology, of course, confined the operation of the law strictly, as no doubt was the intention of congress, to those cohabiting in the polygamous relations sanctioned by the plural marriage system of the Church of the Latter-day Saints. “If proof were needed,” said the Epistle, “respecting the truth of our protestations and testimonies, that this is a part of our religion, and that the object of this law is not the eradication of immoral practices, but that it is intended as a direct blow at our religious faith and practice, we have it furnished in this oath prescribed by the commissioners. It is marriage under the forms of religion, and not immorality, which disfranchises and disqualifies the citizen under this oath, . . . while those of both sexes, who may be living the vilest of lives, in adultery, fornication, or the practice of licentiousness of any kind, can take the oath and be registered, vote, and hold office. . . . It is with unmixed satisfaction we perceive that the oath draws the line so sharply and distinctly between marriage and licentiousness. By the attempt in the construction of this oath to shield from injury those who, by their illicit connections with the other sex might, under the provisions

45. Address to the members of the Church of the Latter-day Saints. The pamphlet is now rare; a copy of the epistle will be found in *Deseret News—Weekly*—of Sept. 6, 1882.

46. See current press despatches, in the latter part of August—the epistle bears date of Aug. 29th—and the first several days of September.



of the Edmunds law, be disfranchised, the Latter-day Saints, who, in all sincerity and honor have obeyed a revelation from God, are not reduced to their degraded level."<sup>47</sup>

Among other unpleasant things of this period was the controversy between Governor Murray and the legislature during its session of 1882, on the appointment of certain Territorial officers. The point at issue was as to whether the aforesaid officers were to be nominated by the governor, and by and with the advice and consent of the legislative council, appointed by him; or whether they were to be appointed or elected as the legislature had by previous enactments provided. Governor Murray took the first view, the legislature the second. The offices in question were two commissioners to locate university lands, Territorial auditor, treasurer, superintendent of public schools, librarian, sealer of weights and measures, recorder of marks and brands, surveyor general, chancellor of Deseret University, a board of twelve regents and a treasurer for the board. The governor submitted to the legislative council the nominations to fill all these offices, with a communication explaining on what grounds he claimed the right to make the nominations, and with the council's advice and consent, make the appointments. He cited the 7th section of the Organic act of the Territory which provided that "all township, district, and county offices, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Utah. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for"; of which, the governor held, was the list of Territorial officers above given. In answer to his contention the council by formal resolution replied that by former enactments of the legislature, the date of the enactments ranging from 1850 to 1878, these Territorial officers had been made elective either by the legislative assembly or by the people, and under such election had continuously held office. That these laws had been submitted to congress and had never been disapproved by

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47. *The Deseret News*—Weekly—Sept. 6th, 1882.



that body, and therefore were in full force and effect.<sup>47</sup> That the several executives of the Territory who had approved said acts, had by their approval waived and relinquished any right which they previously possessed to nominate these officers, and therefore resolved that "the complaint of his Excellency"—*viz*, that to elect or appoint the aforesaid officers in any other manner than that provided by the act of Congress—the organic act—under an act of the legislative power was nullification—was groundless, and "his nominations unnecessary."<sup>48</sup>

This controversy led to another which threatened for a time to effect the development of higher education in the Territory, by preventing the completion of the University building of the Territory; and so far as Governor Murray is concerned that would have been the result of this controversy, but happily he was overruled by the patriotism of enterprising Mormon citizens. The account of the matter referred to follows: For some time the Deseret University—the institution of higher education referred to—had been very much retarded in its development by inadequate quarters for such an institution. It had occupied for several years the Old Council House on the corner of Main and South Temple street, described in a previous chapter in this

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47½. The argument of the legislature is justified by the importance which the United States Supreme Court itself attached to the implied sanction of congress to Territorial acts by reason of not disapproving of them. In the case of *Clinton vs. Englebrecht*, 13 Wall, p. 446, the Supreme Court of the United States, in speaking of an act of the Legislative Assembly, says: "In the first place we observe that the law has received the implied sanction of Congress. It was adopted in 1859. It has been upon the statute book for more than twelve years. It must have been transmitted to Congress soon after it was enacted, for it was the duty of the Secretary of the Territory to transmit to that body copies of all laws on or before the first day of the next December in each year. The simple disapproval by Congress at any time would have annulled it. It is no unreasonable inference, therefore, that it was approved by that body."

"If the approval of Congress" said Attorney F. S. Richards, in an argument upon this case, "may reasonably be implied when an act has been in force twelve years, how much stronger is the reason when the act has been on the statute book and in force for thirty-two years; as in this case; for the act of 1878, while changing the mode of election, has not altered the case in any degree so far as the governor's power to appoint is concerned. Besides this change for the appointment to the election of these officers is in accord with the genius and theory of our institutions expressed by the Supreme Court in the case last cited, where it says:

"The theory upon which the various governments for portions of the territory of the United States have been organized, has ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority, and with certain fundamental principles established by congress." (*Deseret News*, Aug. 6, 1884).

48. See both the governor's communication and the answer of the legislature *in extenso* in *Deseret News*—Weekly of March 15th, 1882.





History; and later had been inadequately housed in a "weather-beaten structure formerly known as the 'Union Academy.'" <sup>49</sup> The previous legislature—1880—had taken the needs of this institution into account. Salt Lake City generously granted "Union Square," a block of ten acres in the northern part of the city—1st North Temple and 2nd West Temple streets bounding its south and east sides—for a site,<sup>50</sup> and the legislature had appropriated \$20,000 that was available towards the erection of buildings.<sup>51</sup> Under these circumstances the foundation and basement story of a building was constructed on the site provided by the city—and the legislature of 1882, to complete the work, appropriated \$40,000 more, together with the sum of \$15,000 to provide for the tuition of eighty normal students to be prepared in the normal department of the University as teachers for the district schools. These appropriations Governor Murray vetoed, chiefly for the reason, as he claimed, that the University was not legally organized, the Regents and Chancellor not being named and appointed according to his interpretation of the provisions of section seven of the Organic law of the Territory—that is, they were not nominated by him, and appointed by him with the advice and consent of the council of the legislature, and the council had refused to concede his right to make these and other nominations and appointments—hence his veto to these appropriations,<sup>52</sup> hence this blocking of the development of

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49. Whitney's Hist. of Utah, Vol. III, p. 200.

50. The Chancellor and Board of Regents declared it to be "The finest public square in the city" (Annual Report, 1884-5, p. 12). Now the site of one of Salt Lake's High Schools. The University is removed to the East "bench," a commanding site, and "Deseret University" has become "Utah University."

51. See item in general appropriation bill passed by the legislature of 1880, and approved by the governor on 20th of February. *Deseret News* of March 10, 1880.

52. The other objections urged by the governor for vetoing these appropriations for the university was, first, that with the other appropriations this for the University went beyond the Territorial revenue provided by the existing laws; and second, that appropriations for this purpose should contain a proviso that no doctrinal sectarian tenets should be taught in the University. Both these objections were captious, in that, first, the increasing revenue within the two years to follow promised to exceed all the appropriations of the legislature; and second, that the University was already recognized as a secular institution of the Territory, supported out of public funds, and was not and could not be a denominational school, and hence what the governor contended for under this head was unnecessary, "but would have been conceded (i. e. the proviso inserted in the bill) had there been no other objection advanced." (See Editorial review of the question in *Deseret News*—Weekly—of March 22, 1882). There is no doubt but that these ob-



higher education in Utah. "The unfinished building," said the *Deseret News* editorially, "stopped in this untimely and capitious manner, does not speak very loudly for the desire of the executive to promote the cause of education."<sup>53</sup>

On the other hand, certain prominent Latter-day Saint citizens, and the Church of which they were members, stepped forward and removed the obstacle to the cause of education erected by the stubborn, self-willed policy of Governor Murray. At a meeting of the Chancellor and the Board of Regents held on the 11th of May, 1883, a resolution was passed opening subscriptions for loans and voluntary contributions by which the officers of the University might be able to proceed with the structure, until it was made ready to house the institution.<sup>54</sup> It was hoped

jections would have been waived had the governor been permitted to have appointed the Chancellor and Board of Regents together with the other Territorial officers he claimed the right to nominate and appoint.

53. *Deseret News*—Weekly—of March 22, 1882, p. 134. The Utah Commission took the same view of this subject as the Governor did, and therefore did not include these Territorial officers in the election of August 6th, 1883. (See signed communication by a committee—Carlton and Godfrey—of the Utah Commission, in *Deseret News*—Weekly—of June 20th, 1883.

54. See Annual Report of Chancellor and Board of Regents (Pamphlet) 1884-5, p. 12. "In view of the facts," said the Report that the School was suffering through the want of sufficient room to accommodate its students and to carry on its work of instruction, and that the unfinished building was in danger of waste and destruction through exposure and want of care, and that the entire grounds donated conditionally by the city, together with the work already done upon the building, were liable to forfeit they (i. e. the aforesaid patriotic citizens and the Church) determined to make an effort to raise means to relieve these unfortunate conditions. In this effort they were successful. By loans and voluntary contributions from citizens, a sufficient amount was raised to erect the entire walls and roof the building in, and even to prepare two rooms in it to accommodate a large class of students during the winter just passed. "The original subscribers and the amounts of their subscription were as follows:

William Jennings .....	\$1,000
Sharp and Sons .....	1,000
Feramorz Little .....	1,000
Trustee in Trust of the Church of Jesus Christ of Latter day Saints .....	5,000
George Q. Cannon .....	750
Horace S. Eldredge .....	1,000
Robert T. Burton .....	500
Joseph F. Smith .....	300
Henry Dinwoodey .....	1,000
John T. Caine .....	300
John R. Park .....	250
Total .....	\$12,100

In July, 1884, the subscriptions reached the sum of \$24,991.70, which indebtedness was discharged in February, 1888; the legislature having appropriated money for that purpose. An effort was made in 1884 to obtain an appropriation, but, though the legislative assembly did its part, Governor Murray again thwarted the will of the people's representatives by vetoing the proposed enactment. It was his



that the legislature of 1884 would make appropriations that would re-imburse these citizens and be sufficient to complete the building. So indeed the legislature did, appropriating \$50,000 for that purpose; but again the governor, not being permitted to appoint the Chancellor and Board of Regents (which from February 28th, 1850, to the time of this controversy had been chosen by joint vote of both houses of the general assembly—a period of over thirty years),<sup>55</sup> again interposed his veto, and thus again prevented the representatives of the people from appropriating the money of the people for housing an educational institution of the people—the only “high school” of the Territory, at the time, in which normal students could be educated at public expense to serve as teachers in the public schools.<sup>56</sup> What to Governor Murray did it matter if the cause of education in the Territory languished; if the \$20,000 expended for foundation and basement story should be wasted, by not completing the structure; or, if the valuable bequest of “Union Square,” by Salt Lake City should be lost to the University through failure to fulfill the conditions specified in the bequest by the erection of suitable buildings for the institution within the time limits fixed

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successor, Governor Caleb W. West, who signed the appropriation bill of 1888. (Whitney's Hist. of Utah, Vol. III, pp. 201, 202). See also exhaustive report of a special committee appointed by the Chancellor and Board of Regents of the *University of Deseret*, “to whom was referred the consideration and refutation of some statements and insinuations made by the governor of Utah, Eli H. Murray, in relation to the University of Deseret, contained in some communications of his to the legislative assembly of Utah”—(*Deseret News*—Weekly—of April 9th, 1884).

55. See answer of Legislature to Gov. Murray, *Deseret News* of March 15, 1882, p. 125.

56. See Memorial of the Territorial legislature (the 26th) of 1884, published in *Mill. Star*, Vol. XLVI, Nos. 20, 21, pp. 305 *et seq.* On the course pursued by Governor Murray, these Territorial legislators thus report to the general government: “If in other lands it be high reason to compass the death of the king, it should be counted no less a crime here to strangle the sovereign power and stifle its voice.” He has on several occasions attempted to place in the local offices, for the purpose of controlling and disbursing the Territorial finances, irresponsible individuals who are the open enemies of the people. This he has done under a pretended construction of the Organic Act, but contrary to positive enactment of the legislative assembly signed by his predecessors, virtually sanctioned by Congress, and deemed valid because of rulings rendered by the Supreme Court of the United States. He has, by an arbitrary exercise of the veto power, refused to sign bills enacted by the Legislature unless provisions were incorporated therein in harmony with his personal designs and in extension of his executive powers. Even the educational interests of the Territory have been hampered and obstructed by his tyranny, and the legislature have been prevented from appropriating the money of the people whom they represent, for university purposes, according to the public desire.” (*Id.*)





in the bequest? What did all this impending waste of the people's money, and the disappointment of their educational ambitions for the Territory amount to in comparison with the importance of an autocratic governor appointed from Washington—an adventurer who had no interest in common with the people—having his way in the matter of appointing a score of Territorial officers hitherto elected directly or indirectly by the people! Especially could the governor have patriotically waived the question of his right to appoint the Chancellor and Board of Regents of the University until the question then pending in cases before the United States' supreme court could be determined.<sup>56½</sup>

Undoubtedly it was the intent of congress that the Edmund's law commission should be but a temporary returning board. It was provided in the law itself that the commission should only continue in office "until the legislative assembly of said Territory shall make provision for filling said offices"—i. e. "all the registration and election offices of every description in the Territory;" whereupon these officers provided for by the law enacted by the said legislature, and elected or appointed as the law prescribed, should take charge of the registration and election affairs of the Territory instead of the Edmund's law commission. This the Utah legislature of 1884 sought to bring to pass by the enactment of a general election law making the necessary provisions. But this act of the legislature was vetoed by

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<sup>56½</sup>. The question of the right of the Governor to make the appointment of Territorial officers other than those of "township, district, and county offices" finally went to the courts. The case was tried in the third district court (Salt Lake City) the *People vs. Nephi W. Clayton*, Territorial auditor, and the *People vs. James Jack* Territorial treasurer. The court sustained the right of the Governor to appoint these officers by and with the advice and consent of the legislative council. The case was appealed to the Supreme Court of the Territory which affirmed the rightfulness of the district courts, decision, June, 1886, (See *Utah Reports*, Vol. IV, pp. 421-438). An appeal was taken to the Supreme Court of the United States which affirmed the rightfulness of the decision of the Territorial Supreme Court. (Jan. 6th, 1890. *Supreme Court Reporter*, Vol. X, pp. 190-194). The important feature in the decision is thus stated in the syllabus: 2 "As the office of auditor of public accounts [office of Territorial Treasurer was included in the same decision], is not a township, district or county office, but a general office, for the benefit of the entire Territory, so much of the acts of Utah of Jan. 20, 1852, and Feb. 22, 1878, as provide a mode for the appointment of that officer by the Territorial legislature, or by election by the people, is inconsistent with the act of congress of Sept. 9, 1850, authorizing the Governor to appoint all officers 'not herein otherwise specially provided for'; . . . Acquiescence of the people and officers of the Territory in such acts is immaterial."



the governor, and the Utah Commission, in consequence, was continued in office and the evident intention of congress with respect to the dispensing with that returning board was thwarted.<sup>57</sup>

An effort to re-apportion the legislative representation of the Territory, met with even a more contemptuous treatment at the hands of the autocratic governor. This measure was one recommended in the Governor's Message. The legislature promptly passed a bill conforming to his suggestions as they supposed; but the bill was returned without his approval, with the statement by the governor that "the census of 1880 entitles every 12,000 of population to one representative in the council; and every 6,000 of population, to one representative in the house of representatives," and the governor added: "If the legislature will pass an act apportioning the Territory into twelve council districts and twenty-four representative districts, as near as may be upon the foregoing basis, where each councilor and representative is to be voted for separately, I will be pleased to approve the same."<sup>58</sup>

In conformity with this suggestion another bill was drawn and sent to the governor for his signature according to his promise. "But," says the legislature's Memorial to congress, accompanied by a copy of the bill in proof that they had conformed to the governor's requirements—(as also by a copy of the general elections bill in proof that they had conformed to the requirements of the Edmund's law in providing for the registration and election officers, and all the conditions imposed on the Territory by that law)—"but he forfeited his pledged agreement, and treated the bill with the contempt of utter silence, neither approving nor rejecting it." They add the following scathing comment on conditions prevailing in Utah—supposedly under the rule of republican institutions:

"Such is the dependent condition of the Territory of Utah, that it does not need the absolute veto of the governor to render

57. Such was the representation of the legislature of 1884 to the congress of the United States in its memorial adopted on the 13th of March, 1884. "The evident object of this veto is to continue the commission in office, and to provoke additional congressional legislation by which the small political liberty yet left to the citizens of this Territory may be yet further diminished, and that his [Governor Murray's] gubernatorial domination may be extended." (Mill Star, Vol. XLVI, p. 310).

58. *Ibid.*, p. 311.



void an act passed by the people's elected representatives, but his neglect to sign it is more mighty than the combined labors of thirty-six legislators chosen by ballot to express the popular will. The object of this insulting treatment of the legislature was, without doubt, to leave the way open for the passage of a measure now before your honorable body, giving the governor alone the right to make the apportionment of the representation."<sup>59</sup>

Immediately following this passage is another which represents the whole political status of affairs in Utah, and since it is an official setting forth of matters, deserves preservation here:

"Your memorialists submit that the political situation in Utah is this: Four-fifths of the voting population, after excluding all who have been disqualified by the rulings of the Utah Commission and their extreme construction of the Edmunds law, belong to what is called the People's Party, and represent at least eighty per cent. of the entire population of this Territory. The other portion chiefly belong to what is called the Liberal party. The great fault of the majority seems to be that they select person from among themselves to represent them and manage their local affairs. No person who has ever lived in the practice of polygamy is now permitted to vote or hold any office, therefore there can be no legal reason offered why the great majority of the voting citizens should not choose their local officers from among their own number. The only portion of the Territorial government under the control of the people is the Legislature, with the addition of a few ministerial officers to handle the funds raised by local taxation under the Territorial laws. The judicial and executive departments are in the entire control of the national government, and all such offices are filled by national appointment. These, with other officials under federal authority including nearly all the postmasters, are numbered with the 'Liberal party,' which though in so small a minority, aims at the control of the only portion of the local government left to the people. And because the great body of the citizens refuse to accept the nominees of the minority, the proposition is made to abolish the legislature, whose members are elected by the people, and establish in its stead a commission appointed by the President and Senate of the United States, and thus sweep away from the Territory the last vestige of republican government. It should be remembered that to-day the law making department,

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59. *Ibid*, p. 321.





elected by the people, is at the mercy of the appointed executive in the enactment of any law. The governor holds the power of absolute veto, and no two-thirds or even unanimous vote of the legislature avails against his individual dictum or simple indisposition to append to a bill his signature; at the same time your honorable body exercises the power not only to disapprove of any local enactment which the governor may feel inclined to sign, but also to legislate directly for the Territory. So while the local legislature cannot enact any laws without the consent of the governor and the approval of congress, laws can be and are enacted by congress without any voice or consent of the people who are to be governed by them. We respectfully ask if this is not sufficient national control and supervision over the only shred of political power left to the large body of American citizens who compose the voting population of this Territory."

In other paragraphs, in respect of some of the measures of special legislation for Utah, then pending before congress,<sup>60</sup> the memorial drew some historical comparisons between the proposed treatment of Utah by the congress of the United States, and the refusal of the parliament of Great Britain to treat the colonies of Jamaica and Canada even in a less harsh legislative manner than it was proposed to treat Utah, and begged the congress of the republic to follow the example of the parliament of the monarchy, in the preservation of human rights and the political freedom of her citizens.<sup>61</sup> The Memorial complained of "gross misrepresentations" by which the congress had been deceived, and then said:

"Many of the people of Utah have descended from those noble patriots who struggled and bled for the liberties now enjoyed in the states of our glorious Union. They venerate the principles for which their ancestors lived and labored, fought and died. Shall they be deprived of the precious heritage bequeathed to them because they, like their forefathers, entertain religious views that are considered heterodox? Are they to be condemned and punished unheard? Shall popular clamor and sectarian

60. These were bills by Cullom, of Illinois, Hoar, of Massachusetts, and Cassidy of Nevada. The chief features of the several measures included the disfranchisement of the women of Utah and provided for the government of the Territory by a legislative commission. See discussion of these several measures before the "Women Suffrage Association" at Lincoln Hall, Washington, D. C., March 5th, 1884, *Mill. Star*, Vol. XLVI, pp. 337-344.

61. *Ibid*, pp. 322-3.



animosity overawe the statesmen of the nineteenth century, and prevail upon them to wrest from citizens against whom no offense against the law can be charged, the commonest and yet most valued political rights and privilege? Because a few are accused of a practice that modern civilization condemns without understanding, are their fellow citizens, who have committed no overt acts against the popular sentiment of the laws, to be punished and relegated to serfdom? Are the services of the people who have opened up this vast region to civilized habitation and progress to be counted for nothing? . . . Must the libels of official and other persons interested in the subjugation of Utah and its exclusion from statehood be always received as truth, and the denials and appeals for fair investigation by the accused people be ever rejected?"<sup>62</sup>

They concluded by once more asking for an investigating committee to inquire into the whole situation in Utah, and once more they made the appeal in vain.<sup>63</sup>

This was the period—1880-1884—beyond all others, of misrepresentation of the Latter-day Saints and conditions in Utah. Misrepresentation was persistent and systematic. It was the period when sectarian churches in Utah were being sustained by contributions from the eastern states. It naturally followed that the more awful conditions could be made to appear in Utah the more generous were the contributions. The sectarian ministers of the period did not fail to see their opportunity, nor did they hesitate to use it. It was a time, when politicians appointed from Washington to fill federal offices in Utah—chiefly as a reward for political services to party—were making a mighty effort to get complete political control of the Territory, and of the treasury of the people by securing the adoption of a legislative commis-

62. *Ibid.*, p. 325.

63. Mill. Star, Vol. XLVI, pp. 325-6. The appeal was eloquent: "We appeal to you not to condemn as unheard: not to take from us the few political privileges that distinguish us from conquered slaves; not to deliver our fair and flourishing Territory into the hands of men irresponsible to the people; not to reverse for us the established rules of civilized jurisprudence; not to disfranchise the innocent for the alleged offenses of the presumably guilty; not to encroach upon our rights of property; not to apply to us a religious test for political purposes, nor to pass any such rash and revolutionary measures as have been proposed, but to postpone any further action towards Utah until a committee of your own number, or other disinterested persons appointed specially for the purpose, shall have impartially investigated the whole subject of the situation in Utah, and have reported to your honorable body, so that you may act with a fair understanding of all sides of these important questions and your memorialists will ever pray."



sion form of government for the Territory, or by the extension of the appointing power of the governor. Under these general conditions, and with the knowledge of human nature assumed, it requires no effort of mind to understand how great the temptation to misrepresent the Latter-day Saints would be; especially when the universal prejudice existing against them and their religious faith made it so easy an achievement; and so far was it from meeting with rebuke, that it was quite generally rewarded with applause.<sup>64</sup> It was this period—1882—that produced the "Hand book on Mormonism," a compilation by J. M. Coyner, of Anti-Mormon utterances dealing with many phases of the alleged faith, motives and objects of the Mormon Church,<sup>65</sup> including a

64. Treating of this general condition in respect of the members of the Church of the Latter-day Saints, Judge Black, in his speech in their behalf before the judiciary committee of the house of representatives, on Feb. 1st, 1883, and then considering some of the anti-Mormon legislative measures, said: "The religion which the people of Utah adhere to with so much tenacity, is regarded in other parts of the country with extreme dislike, as the mere superstition of an upstart sect. No man, however, who has the faintest perception of Christian principles, thinks it right to kill or plunder or outlaw them for holding an erroneous faith. From real Christianity there comes no howl for the blood and property of the Mormons. But in other quarters the most rancorous hatred breaks out. By some famous preachers the policy of killing the Mormons by wholesale, unless they leave their property, abandon their homes, and flee beyond the Union, is openly advocated and apparently concurred in with great warmth by congregations supposed to be respectable; and this is accompanied with curses loud and deep upon all who would interpose a constitutional objection to that method of dealing with them. When we read of such things in history, we are apt to think them diabolical. But, approved as they are now and here by popular judgment, and unrebuked even by senatorial wisdom, we must concede, I suppose, that it is very good taste and refined humanity disguised in a new dress. As a general rule, political piety, wherever it has turned up the whites of its eyes in this country or in Europe, is a sham and a false pretense, but in this exceptional case it would be speaking evil of dignities to call it hypocrisy. The soundness of the religion which slanders a Mormon is not to be questioned. Equally pure is the act of a returning officer who fraudulently certifies the election of an anti-Mormon candidate known to be defeated by a majority of more than fifteen to one, nor will we attribute any sordid motive to those residents of Utah, official and private, who busy themselves here and at home to break down the Territorial government, seize its offices, and grab its money. Their righteous souls are vexed from day to day by the mere fact that sinful men are allowed to live peaceful and prosperous lives. They are animated solely by disinterested zeal for the advancement of the Lord's kingdom, which in their judgment would be much obstructed by the further continuance of free government in Utah."

This plea for the civil religious, and political rights of the Latter-day Saints of Utah, and the argument for the Territory's right to local self-government, under the United States constitution and the Organic Act of the Territory, was about the last public service of the eminent jurist, Judge Black, as on the 19th of August following he died at his home in York, Pennsylvania. The dispatch which announced his death to the country said: "He was the best and greatest writer of pure anglo-saxon of his age, and in all respects a great man." His espousal of the cause of the people of Utah gives evidence of his high, moral courage.

65. It is as vile a concoction of misrepresentation, denunciation and crediting of false motives and purposes to the objects of its assault—the Church of the Latter-





so-called exposé of their sacred "*Temple Mysteries*." Later—1886—but growing out of this period now considered—came "*The Mormon Problem*" by Rev. C. P. Lyford;<sup>66</sup> and "*Mormon Portraits*" by Dr. W. Wyl of the *Berliner Tageblatt*, the awfulest book published on "Mormonism," since John C. Bennett's alleged expose, in his "*History of the Saints*"—1842. It was in this period,—1882-3—that Phil Robinson was correspondent of the *London Daily Telegraph* in the first African Boer War, but in his visit to Utah special correspondent of the *New York World*, called the attention of the country to the fact of the "utter unreliability of anti-Mormon literature," and to the fact that practically there was no other source of information; since, from his view point, "The 'Mormons' themselves" were "most foolishly negligent of the power of the press, and of the immense value of informing public opinion by a free use of type."<sup>67</sup> There was, however, occasional opportunity afforded for contradiction of the misrepresentations made of Utah affairs. Mr. Geo. Q. Cannon, Utah's ex-delegate to congress, for instance, in the *North American Review* of May, 1881, was given space for a reply to Mr. C. C. Goodwin, editor of the *Salt Lake Tribune*, who had written in the March number of the same magazine, on the "Political Attitude of the Mormons." Elder Moses Thatcher of the council of the Twelve Apostles was given space in the *Chicago Inter-Ocean*, of November 23rd, 1882, for an effective answer to U. S. district Attorney Van Zile, of Utah, who had written a violent attack upon the "Mormons" in the *Inter-Ocean*

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day Saints—as was ever crowded into one hundred pages of printed matter. "I call it a production of diabolism," said Elder John Nicholson, associate editor of the *Deseret News*, in his lecture on the "Tennessee Massacre," (p. 15-16)—"for it is filled with lies and misrepresentations against the Mormon people and their religion from beginning to end." See also the context.

66. Lyford was also the author of brochures on "thithing," "The Priesthood," "Brigham Young's Record of Blood," etc.

67. Mr. Robinson did not know, as the "Mormon" leaders and people did know, how extremely difficult it was for them or their friends to obtain a hearing through the press of the country. Mr. Robinson's Letters to the *N. Y. World* were finally put into book form under the title "Sinners and Saints" (Roberts Brothers, Boston, 1883); Mr. Robinson stayed between three and four months in Utah during which time he traveled a zig-zag line by rail and team of more than a thousand miles through Utah, visiting the "Mormon" settlements from Bear Lake Valley in the north to the valley of the Rio Virgin in the South. His book resulting from his personal observations is a valuable contribution to the independent literature of the subject of Mormonism of the period to which it relates—1882-3. (See *Deseret News*—Weekly—of June 14th, 1882).



of the 19th of October.<sup>68</sup> A like courtesy was extended to this same Elder of the Church a little more than a year later. The message of Governor Eli H. Murray had been delivered to the Utah legislature on the 14th of January, and had caused very widespread and usually unfriendly comment on the status of affairs in Utah—to effect this result was doubtless the aim of the message. Among leading journals making such comments, and referring to the message as *an important state paper*, was the *Chicago Inter-Ocean*, and to this journal Elder Thatcher directed his Review of the Governor's Message. To this article Judge J. R. McBride replied in the *Inter-Ocean* of 16th of February, championing the cause of Utah's governor, by a defense of his message and a defense of the whole anti-Mormon attitude toward Latter-day Saint affairs, to which Mr. Thatcher made rejoinder in the *Inter-Ocean* of the 16th of March,<sup>70</sup> as aforesaid. In addition to these opportunities, President John Taylor was given equal space with Governor Murray in the January—1884—number of the *North American Review* on the subject of "*Ecclesiastical Control in Utah.*" Also, be it said to the credit of the press of the United States, a few of the great, and the near great, daily papers of the country, of themselves made protest against the severe and un-American measures proposed to congress for the destruction of what was vaguely called "Mormonism."<sup>71</sup>

68. The Editors in their caption of Mr. Thatcher's article refer to it as "A clever plea for the Saint hood, and an able and Ingenious Defense." It will be found complete in the *Deseret News*—Weekly—of Dec. 6th, 1882. Both Van Zile's Letter and the Thatcher answer will be found in L. D. Pamphlets, Hist. Office, Vol. IV, p. 749 *et seq.*

69. The editorial comments of the *Inter-Ocean* appear in the impression of the 17th of January. Elder Thatcher's reply was dated at Washington, D. C., 28th of January, and appeared in the *Inter-Ocean* on the 13th of February see *Deseret News*—Weekly—of March 26th, 1884.

70. Both articles will be found in *Deseret News*—Weekly—of April 2nd, 1884.

71. Among these was the N. Y. *World*, which steadfastly opposed the passage even of the Edmund's bill, of 1882; and more strongly opposed other subsequent bills more flagrantly violative of the Constitutional principles of American government. Of this attitude the *Deseret News* said: "Without any sympathy towards 'Mormonism' or any of its peculiar features," that Democratic organ the New York *World*, "had perceived the shallowness of the pretense held up to cover ulterior designs on the part of preachers and politicians, and has advocated fair treatment, and maintenance of constitutional principles in dealing with the so-called 'Mormon' problem."

It has opposed the Edmund's bill, as a measure hostile alike to common justice and the doctrines which form the basis of our national system of government. This is in keeping with the Democratic platform, which upholds the supreme law of the land in its entirety, and gives no support to measures which are



And in congress Utah was not without friends; as witness the opposition to the Edmunds bill of 1882 in both senate and house, already noted;<sup>72</sup> and in the discussion of the Cullum and Hoar bills in the senate—1883-4—proposing a legislative commission for Utah.<sup>73</sup>

This misrepresentation of the Church of the Latter-day Saints during this period—misrepresentation of its motives and its purposes—culminated in what is known in the annals of the times as the “Tennessee Massacre,” directly traceable to an alleged address by a Mormon bishop, by the name of West, in Juab, Juab county, about ninety miles south of Salt Lake City. The *canard*, for so it proved to be, was published in the Salt Lake *Tribune*, of Sunday, March 16th, 1884. It was headed:

“A RED HOT ADDRESS”

“*Bishop West of Juab, on the God-forsaken Gentile Government.*”

Juab was a small, obscure railroad town, and consisted of a hotel, a frame boarding house, a store or two, supported by a few scattered ranchmen, and section hands of the railroad. The “address” purported to be a stenographical report of an harangue by one “Bishop West” on Sunday, March the 9th. It is too long for reproduction in this text, its excerpts would scarcely give an idea of the vileness of the gross brutality, and untruth-

subversive of that *palladium* of human liberty. Impression of June 14—Weekly—1882—p. 328. The Chicago *Times*, early in January, 1884, stood out strongly against hostile legislation for Utah; the same is true of the Chicago *Herald* of the same period.

72. See this History, Ch. CXVII, Note 86.

73. Two speeches against this legislation as also speeches against parts of the Edmunds' law of 1882, by Senator Joseph E. Brown of Georgia were exhaustive and brilliant. They were delivered on the 11th of January, and May 27th, respectively, 1884. See Congressional Record—Senate proceedings—on those dates; also the speeches were put in pamphlet form and published—now rare. An item in the syllabus to the first speech, said: “While congress, can, by brute force, destroy a republican government in a Territory and order the disfranchisement or slaughter of its people, Congress has no moral right to do either.” As a better remedy for the cure of polygamy than unconstitutional law, the senator in concluding this speech recommended the conversion of the ‘Mormons’ by the Christian ministry; and that failing then colonization of Utah by New England Christians. The second speech was a scathing arraignment of “the consecutive polygamy” of New England through the operation of the lax divorce laws of that section of the Union. The contrast of the morality of New England and Utah, even with “Mormon Polygamy” accounted as a crime, was greatly to the advantage of the latter.





fulness of the fanfaronade,<sup>74</sup> of treasonable diatribe against the United States, its murderous blasphemy, its smug hypocrisy, and its threats of assassination against Governor Eli H. Murray. In editorial comment the *Tribune* referred to it as having been forwarded to the paper by "a friend," and in the heading to the address it was declared to have been reported "by Tobias Tobe, for the Salt Lake *Tribune*."

"It reads like the old-day Tabernacle harangues, and the devout brethren and sisters of the former time would have warmly enjoyed and commended it, as being "*full of the sperret*;" indeed, we are not sure but that away down deep in their hearts they will approve it now. It is a very violent harangue, full of bitter malice and the usual untruths of the fanatics when they undertake to deal with subjects wherein they are opposed. The common dreary twaddle of exclusive holiness and a monopoly of honesty is disgustingly paraded by this dishonest parasite in behalf of a set of rogues whose crimes, peculations, public and private, robberies and unblushing piracies are the amazement of every one who has had to do with the fact."

Throughout the editorial treats the "address" as if it were a truthful report. Two days later came the exposure of the hoax. Elder Geo. Teasdale of Nephi, on seeing the "address" in the

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74. The opening sentence and a few excerpts may help a little to exhibit the senseless harangue put forth as a "sermon." "It is time my brothers and sisters, that we ceased this cowardly silence and humble submission to the rulings and machinations of the devil and his fieryimps at the capitol of this God-for-saken Gentile government; and it is time for us to fling their defiance and scurrilous domination back in their faces. . . . If I had my way not a house would be left standing which sheltered a knavish Gentile. They are eye-sores in the sight of the Lord and His vengeance is sure to come. They have persecuted His Saints, and He has commanded them to destroy their persecutors. He has commanded the Saints to rid the earth of the sin-besmudged heretic. . . . Hell is filled with the scurrilous Gentiles and the floors of hell are paved with the skulls of apostates. He who kills a gentile rids the earth of a serpent and adds a star to his own crown. The Saints are gathering together from sea to sea and they will rise in their awful might and fall upon the enemies of Zion. . . . The minions of the devil are let loose in our midst by the crime soaked politicians who rule our land. The shades of the sainted martyr Smith calls aloud for vengeance at the hands of his followers. The blood of the Gentile persecutors shall be spilled on their own threshold to appease the anger of our Prophet. Tune the lyre and beat the symbols, for our revenge is now at hand! . . . Our strength is greater than the world believes and our will is powerful and undaunted by heretic menaces. The Lord is our shepherd and we cannot fail. The red man is our firm ally and he thirsts for the blood of the enemy of Zion. . . . Our young men are drilling for the conflict, and our wives and daughters are making themselves ready to minister to our wants, and the day is close at hand. Let the Gentile leeches and poltroons beware and win our forbearance if yet they may. (Salt Lake *Tribune* March 16th, 1884). So to the end, *ad nauseam*."



*Tribune* wrote to the *Deseret News* and declared that there was no "Bishop West," in that section of the country or in the Church; that only a branch organization existed at Juab; that it was presided over by Elder James Wilson; that on Sunday the 9th of March, the time of the alleged harangue, in consequence of a washout on the railroad no services were held in Juab, and who "Tobias Tobey" was, nobody knew, and that the "address" was "a base fabrication."<sup>74</sup> The Salt Lake *Tribune* itself claims also to have conducted an investigation of the matter, "the authenticity of it [the 'address'] having been questioned;" which led to the editorial announcement on the 20th of March, that it was "a forgery." "No such 'Address' was delivered, as far as this investigation is concerned," continues the *Tribune's* editorial, "and no West is known in Juab." Had the editorial stopped with this declaration, with subsequent statement of how it had been imposed upon by "a friend," it might have come out of the affair with some credit; but unfortunately after its denial of the genuineness of the address it practically reinstated the forgery in all its strength of falsehood, and of its treasonable and its murderous threatening, by saying:

"We regret that we have been made the vehicle of this imposture, but it is so like what is going on all the time and the ordinary talk and feeling of the majority here, only in more concentrated form, that it might have deceived even a Saint."<sup>75</sup>

This position the *Tribune* sought to maintain throughout the controversy which arose over the matter, and even published some excerpts from discourses, in proof of the position,<sup>76</sup> and followed these with the statement:

74. Teasdale's Letter is published in *Deseret News*—Weekly—of March 26th, 1884, p. 152.

75. Salt Lake *Tribune*—Daily—of March 20th, 1884. The *Tribune* claims that the "explanation" of its correspondent was that the address was "a collection in one connected whole" of what he had "heard at different times in Mormon sermons and otherwise during a brief sojourn in Utah." This the *Tribune* denounced as totally reprehensible (*Id.*)

76. The report of the discourses chiefly relied upon to establish this came from as disreputable a source as the "West Address" itself, namely, from the alleged stenographic report of the sermon by J. H. Beadle, author of "*Life in Utah or the Mysteries and Crimes of Mormonism, Being an Expose of the Sacred Rites and Ceremonies, etc.*, 1870." "The volume," says Bancroft, "forms one of the many works that have been written on Mormonism with a view to pander to the vicious tastes of a certain class of readers rather than to furnish information." *Hist. of Utah*, p. 637. It is not denied that at times of excitement and under strong stress



"In view of all the facts, and of the record, we submit that the Bishop West address was no libel at all, though it was non-genuine. But the genuine is worse than the spurious, as fact is stronger than fiction."<sup>77</sup>

Notwithstanding the *Tribune's* acknowledgment that it had been imposed upon, and, according to its own account of the matter, had embraced "the first opportunity after being convinced of the spurious nature of the so-called 'address' to repudiate it and warn the public that it was not genuine,"<sup>78</sup> still the mischief was done. The alleged "West Address" was circulated in various parts of the east. It found its way into Lewis county, Middle Tennessee; and while the tragedy which occurred at Cane Creek in that county, on the 10th of August, 1884, may not be charged solely to that "address," it was beyond any question a potent factor in producing the tragedy, the last thing needful to create the sense of justification in the minds of the people in that vicinity for the ferocious act of mobocracy that ended in the killing of two Mormon missionaries from Utah; two young men not members of the Church, but friends of the elders, and natives of Tennessee, the serious wounding of an aged lady—mother of the two young men referred to—rendering her a cripple for life, and the killing of one of the mob party.

For more than twenty years elders of the Church of the Latter-day Saints had occasionally passed through Hickman county, Tennessee,—the county adjoining Lewis on the north where they had members of their Church from Nauvoo times. About six years previous to the tragedy here to be described, the elders had extended their labors on to the head waters of Cane Creek, in Lewis county, where a branch of the Church had been organized. The converts in this branch had lived in peace with their neighbors, interfering with no one, and uninterfered with except that they had brought upon themselves the sneers of some of their neighbors by becoming identified with so unpopular a religion as "Mormonism." Elders had preached quite regu-

of feeling rash and imprudent things were said by some leading Church authorities, but nothing like the "Bishop West Address" may be drawn in deadly parallel; as the undoubted utterances of the spokesmen of the sect."

77. Salt Lake Daily *Tribune*, of March 23rd, 1884.

78. *Tribune* Editorial of March 20th, 1884.





larly through the summer of 1884 in this branch of the Church, and considerable success had attended their labors, eighteen baptisms resulting from the labors of Elders John H. Gibbs and Wm. H. Jones from April to July.<sup>79</sup> During all this summer opposition and bitterness was increasing. One parson Vandevere, of Hohenwald, the shire town of Lewis county circulated the "Red Hot Address" alleged to have been preached by "Bishop West;" "and by his pretended credence to the falsehood," wrote Elder Wm. H. Jones,<sup>80</sup> who was at the tragedy, and narrowly escaped with his life, "causing great excitement. Elder Gibbs and I sent by mail to Vandever an exposure of the address in question, but he did not show it to anybody that we know of."<sup>81</sup>

Elder Wm. S. Berry and Henry Thompson, traveling Elders from Utah, had made an appointment for religious services to be held at the home of a brother James Condor, on Cane Creek, on Sunday, August 10th. A day or two previous to the time of the appointment they were joined by Elders John H. Gibbs and Wm. H. Jones, who had been absent from this field of labor through six or eight weeks on a tour through surrounding counties in Tennessee and northern Mississippi. They had been absent on a special mission to which they had been called by the

79. See Jones' account of the Massacre Mill. Star, Vol. XLVI, p. 625, *et seq.*

80. See Jones' account of the Massacre, Mill. Star, Vol. XLVI, p. 625.

81. Letter of Wm. H. Jones, quoted by Elder John Nicholson in a lecture on "The Tennessee Massacre and Its Causes," Salt Lake Theatre, Sept. 22nd, 1884. Excerpt for Jones' letter is given in the foot note of the published lecture, p. 21. Also in an editorial interview given to the *Deseret News* both Elder Jones, and Henry Thompson, the latter, as well as Jones, being a survivor of the Cane Creek tragedy—testified to the influence of the "Red Hot Address," in creating the bitterness which resulted in murder. "Before the outbreak took place," said Jones, "The Red Hot Address" of Bishop West, of Juab, which was published in the *Tribune* here, and afterwards proven to be utterly without foundation, was thrust at me wherever I went. The refutation of the falsehood was of course not published then. The newspapers have contained clippings from that paper spreading the vilest slanders about us, and the Associated Press reports have not been, as you may well imagine, always of the most favorable or trustworthy character. I was once waylaid, in company with Elder Gibbs, by a couple of big fellows with hickory clubs, who vowed vengeance on us for the murder of their uncle in the Mountain Meadows by the 'Mormons,' proof of which they claimed to have in John D. Lee's confession. This was in a district of Tennessee, where quite a feeling of enmity was created owing to the false newspaper stories so industriously circulated."

"Brother Henry Thompson, who lives in Scipio, Millard Co., in giving his account of the dreadful scene in which he was an actor, corroborated, in the first place, the remarks of his fellow-laborer regarding the newspaper articles which had their origin in this city, and stated that he had also had some experience in combating and answering that "West Address." (*Deseret News*—Weekly—of Sept. 24, 1884, p. 568).



Presidency of the southern Mission, to stem, if possible, the tide of misrepresentation resulting in popular prejudice, the pressure of which was being everywhere felt throughout the south. They were instructed to call upon the leading citizens of the various counties and give them correct information respecting the doctrine, history, and the progress of the Church of Jesus Christ of Latter-day Saints, as well as to represent the true condition of affairs in Utah—politically, socially, and morally.

By ten o'clock a number of people had gathered at the Condor residence where three of the elders had arrived, Gibbs, Berry, and Thompson; Elder Jones who had lingered at the home of Mr. Thomas Garrett, to read Utah papers, as he drew near the Condor residence was seized by a mob of twelve or fourteen masked men who held him prisoner, making inquiry as to the whereabouts of the other elders.<sup>82</sup> Leaving a guard in charge of Jones, the rest of the mob departed in the direction of the Condor residence. A number of the gathering congregation were loitering about the gate and doorway of the house, and some were in the orchard at the rear of the house. At the gate the mob seized the elder Condor and held him fast, but not before he had shouted to James R. Hudson, his wife's son by a former husband, and his own son Martin, to get their guns and resist the attack. The two young men made a dash for the house. Young Hudson had to go to the attic of the house for his gun, which he that morning had loaded at the request of his mother in anticipation of trouble. Martin's gun was suspended in deer horns over the back door of the living room, where

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82. A scant quarter of a mile above the Condor residence the Cane Creek road crosses that stream through a rather deep ford. Footmen have to turn down a path that runs through heavy thickets of mingled trees and under-brush, paralleling the creek, with a field ranging up the hillside on the right,—to where a large tree had been felled across Cane Creek as a "foot bridge." It was in this field and in the strip of wood and brush-land through which the foot-path ran, that the mob was concealed which captured Elder Jones. They doubtless expected all the elders to come down that foot path enroute from Mr. Thomas Garrett's home—a mile and a half up the creek—where, doubtless, the mob supposed all the elders had spent the previous night, and where all excepting Elder Berry had stayed; but Gibbs and Thompson had gone to the Condor residence early in the morning, and hence had passed the mob's chosen place for ambushing them before the latter had taken up their position. Had the elders come down together, as the mob had evidently anticipated, when they fell in single file to follow down the pathway, they would most likely have been shot down from ambush or captured; but when the two elders, Gibbs and Thompson, passed along the path before the mob had arrived, and Jones came alone, it caused the event to take the course described in the text.



the morning's religious services were to be held. As Martin entered the door the leader of the mob was taking down this gun, and a short, fierce struggle ensued for possession of it, during which young Martin Condor was shot down by others, and the mobber, turning the gun upon Elder Gibbs, who, when the mob entered the room was looking for a Bible text which a hymn that had just been sung had suggested to his mind—shot him, and he sank to the floor a dead man.

Meantime other bloody work had been going on. Many guns had been fired. One aimed at Elder Thomson, Brother Berry had seized and pushed away from him enabling Thompson to escape from the back door through the orchard and to the woods, but at the instant he had saved his brother's life Berry himself fell riddled with bullets. The mobber who had shot down Elder Gibbs had just stepped from the front door of the house when young Hudson came from the attic gun in hand. Two men seized him at the foot of the rude stair way, but flinging them off, he rushed to the door and shot the murderer of Elder Gibbs, killing him instantly. He proved to be Dave Hinson, the leader of the mob, and the arch enemy of the elders in that region. Then pandemonium reigned. Young Hudson was fired upon and fatally wounded—he died within an hour; the mob yelling for vengeance for the killing of their leader, rushed to the open windows and fired promiscuously into the house savagely wounding Mrs. Condor in the hip, from which to the present time she remains a cripple, but most of the shots thus fired riddled the bodies of the dead elders lying upon the floor. This done the mob took their dead leader and departed.<sup>83</sup>

The single guard left in the adjacent woods with Elder Jones, hearing the firing mingled with the screaming of the women and children, and thinking that a general massacre was going on, evidently became alarmed and permitted his prisoner to escape, accompanying him through a cross country run to a trail leading into the adjoining county of Hickman.

The coroner's inquest over the bodies of the two elders and

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83. Mrs. Candor is still alive (1915) at her home in Hohenwald, the shire town of Lewis county, Tennessee. Her husband, James Condor, died October, 1911. See *Improvement Era*, Oct., 1911, p. 1107.





the two Condor brothers determined that they came to their death by gun shot wounds inflicted by unknown parties. The Condor brothers were interred in the orchard surrounding their home where they had so valiantly sought to defend their friends, the two elders. The latter by the coroner's orders were buried in rough coffins on a knoll overlooking Cane Creek, by the roadside, and a little below the Condor residence. Six days later the assistant mission president of the southern states—then in personal charge of the field—went with three others<sup>84</sup> to the place of burial, disinterred the bodies of the elders and sent them to their families in Utah, in charge of Elder Willis E. Robinson, who was released from his mission for that purpose.<sup>85</sup> The remains were sent to their respective homes, Elder Gibbs to Paradise, in Cache county,<sup>86</sup> Utah; Elder Berry to Kanarra, in Iron

84. Of these three men two were members of the Church from Shady Grove, Hickman county, about thirty miles from the scene of the tragedy. Their names were Henry Harlow and William Church. The third was a young man by the name of Rufus Coleman. Unfortunately in the early accounts of this incident, the part of Rufus Coleman was accredited to Robert Coleman, a younger brother, but it was Rufus who joined in this expedition, attended with more or less of risk. Two brothers, Church Emmons, and Robbins, 'Mormons' from Nauvoo times, furnished the two teams and wagons for the expedition; and a Mr. B. Moses, a merchant tailor of Chattanooga, with whom the mission had done some business, kindly guaranteed payment to the Chattanooga house of Undertaker's supplies for the two caskets, \$100 each, and advanced \$100 in cash and later \$200 more pending the arrival of means telegraphed for to Salt Lake City. This without security. Of course all these advances were settled in a short time afterwards.

85. As an evidence of the brotherly love existing among these missionary elders of the Church of the Latter-day Saints, it should be stated that Elder Robison, who was laboring in Humphrey's and Dickson county, forty miles from Cane Creek, on hearing the many conflicting reports of the attack upon the elders, the alleged escape of some of them, who were doubtless in the woods and wounded, immediately set out through a hostile country, wild with excitement, the people invariably in their comments justifying the killing of the 'Mormons'—to ascertain just what had happened, and who needed help. He decided to make this trip alone, as being less likely to attract attention, and if disaster came of it only one would fall instead of more. After narrow escapes from guards watching the roads leading into Cane Creek settlement, he finally reached the Condor home at midnight of Thursday, the 14th, ascertained what had happened at first hand—learned that the surviving elders had reached places of safety and were with friends; and the same hour, or on Friday morning, between the hours of one and two, departed from the neighborhood and returned to his companion in Dickson county, where a message awaited him to meet the assistant president of the Mission in Nashville, the state's capital, to which point the elders in the nearby counties had been called as being safer in the smaller towns and the rural districts in this time of stress. After his arrival in Nashville on Monday, the 18th, he was selected to convey the bodies to Utah. Robison wrote a detailed account of his adventures on this trip to Cane Creek, and of his journey home with the bodies of his murdered brethren, which in the simple and modest style in which the story is told, makes a thrilling narrative of adventure. It is published in the *Improvement Era* of November, 1898, pp. 1 to 44.

86. John H. Gibbs was the son of Geo. D. Gibbs and Ellen Phillips, and was born on the 28th of July, 1853, at Haverford, west, Pembrokeshire, Wales. He im-



county;<sup>87</sup> and on Sunday the 24th of August, fourteen days after the martyrdom, services were held over their remains in their respective home villages, and memorial services in many of the wards throughout the stakes of Zion; and finally subscriptions were taken up all over the Church in aid of the families of the martyred elders, of the Condor brothers, and also for the removal of the Saints on Cane Creek, who might wish to avail themselves of the opportunity, and felt themselves in danger,—to the settlements in San Luis Valley, Colorado.<sup>88</sup>

Governor William B. Bate of Tennessee was waited upon and formally petitioned by a number of the elders who had gathered into Nashville for safety, to offer a reward for the apprehension of any or all the parties engaged in the mobbing on Cane Creek, Lewis county.<sup>89</sup> Governor Bate was very indifferent to the mat-

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migrated to Utah with his parents in 1866. By profession he was a teacher in the public schools and had long been recognized as a moral force among the young men of northern Utah. He left Utah on his mission to the south in February, 1883. He was married to Louisa Obray, daughter of Thomas L. Obray of Paradise, on the 2nd of November, 1874, and left a family of several children. (*Mill. Star*, Vol. XLVI, p. 582-3.

87. William Shanks Berry, was born in Dresden, Weekly county, Tennessee, on the 3rd of February, 1838; and was the son of Col. Jesse and Amelia Berry. He was of Revolutionary ancestry. His father served in the war of 1812-14 against Great Britain, and rose to the rank of Colonel. Both of William S. Berry's grand fathers, and his great-grandfather, on the paternal side, were soldiers of the Revolution,—and fought to establish the American Republic. Col. Jesse Berry, father of William, received the faith of the Latter-day Saints in the state of Tennessee, in 1842, and moved with his family to Nauvoo in the spring of 1844, where, on the 6th of August of the same year, he died. The family migrated to Salt Lake Valley in 1848, moved into the south part of the Territory, and settled at Kanarra. The martyrdom of William was all the more a severe blow to the family for the reason that in the Indian war of 1866, in southern Utah, two of his brothers, Robert and Joseph, and the wife of the former, were barbarously murdered by Indians; and John W. Berry, the sole surviving son of Col. Jesse Berry, who came to Salt Lake City to meet and accompany the remains of his brother to Kanarra, to his mother,—then in her eighty-first year—had performed a similar service for his brothers who were the victims of Indian savagery. Elder Wm. S. Berry was of a fine personal appearance, being fully six feet in height and powerfully built. He was some what slow of speech, but endowed to a remarkable degree with good, sound sense, and was of a mild and genial disposition. For above details see communication of Judge Geo. W. Bean in *Deseret News*—Weekly—Aug. 27, 1884, p. 499; of Bishop Henry Lunt, *Id.*, p. 504, and Interview with John W. Berry, *Id.* p. 508.

88. See *Deseret News*—Weekly—of Sept. 10th, and 17th, 1884; also Hist. of Southern States Mission, *Southern Star*, of July 1st, 1899, pp. 241-2.

89. The petition *in extenso*, which included a detailed narrative of the tragedy and a strong denial of the absurd stories started in justification of resorting to mob violence in the South against the propaganda of "Mormonism," such as the charge of "nude baptisms," "disruption of families," by Mormon Elders," the "establishment of polygamy in the south," and the "prostitution of women," etc., by Mormon Elders"—is published in *Deseret News*—Weekly—of Sept. 3rd, 1884. A synopsis was also published in the Nashville papers of the 20th, 21st and 22nd of August. This paragraph from the official "Instructions" of the Presidency of the Southern



ter, and manifested some impatience at the request, but finally offered a reward of \$1,000 to be divided *pro rata* according to the number convicted, the offer holding good as well for the apprehension of the parties who shot and killed David Hinson—the mob leader, masked and with a gun in his hand, and whose death revealed his identity—as well as the innocent victims of the assault led by him!<sup>90</sup>

Nothing came of offering the reward beyond a probable moral effect on the country—which was the chief reason for urging the action upon the governor—and the thorough frightening of one innocent detective who went into the Cane Creek settlement to inquire into the case. He was captured by members of the mob and only escaped hanging by pitifully pleading on his knees for his life, and promising to leave the county never to return; and also promising to warn all other detectives to let the Cane Creek case alone. He kept his word.<sup>91</sup>

At the fall term of the circuit court in which Lewis county was included Judge T. P. Bateman delivered a rather pompous charge to the grand jury which might mean much or little according as

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mission occurs in the petition to Gov. Bate, which petition was signed and sworn to before a notary before being presented to his Excellency: "You will remember, brethren, that we are representatives of the Kingdom of God, and as such it behooves us to walk wisely and circumspectly in all things, keeping ourselves unspotted from the sins of the world, avoiding all excessive light-mindedness, and the very appearance of evil; for we are under the most sacred obligations to preserve our chastity and to maintain the vows and covenants we have made in holy places, which, if broken or transgressed, place us in a position of misery, from which there is no redemption. In fact, we should exemplify the gospel in our lives, and preach it by example as well as by precept."

90. Governor Bate was a candidate for re-election to the office of Governor and the campaign in the state was then on. In fact the governor was in Hickman county adjoining Lewis county on the north making a campaign tour at the time of the massacre; and on returning to Nashville a few days later sought to palliate the deed by repeating the slanderous charges against the elders of the Church. (See *Nashville Americana*, and the *Nashville Bonner* of 19th and 20th of August, copied into *Deseret News*—Weekly—of Sept. 3rd, 1884). Fearing the effect of an earnest effort in vindicating the law where "Mormons" were the victims of the outrage, led doubtless to the reluctance of the Governor to offer any reward at all, and to the offering of the ridiculously small sum of one thousand dollars,—ridiculously small when the seriousness of the breach in the law is considered.

91. The detective gave his name as "Frank Moore" of Evansville, Ind. His adventure was reported in an Associated press despatch from Nashville, Tenn., under date of 3rd of Sept.; but a fuller account is given in the *Nashville American* of that date. "Moore" was not the detective's real name. "Will I give you my real name," said he to the *American* reporter? "No sir, I prefer to keep my identity as dark as possible." The man was evidently very much scared and excited. He even asked to be allowed to leave for home on the freight train." The *American* interview is reproduced in the *Deseret News*—Weekly—of Sept. 17, 1882.





the passages which depicted the helplessness of grand juries and the courts in such cases, or the passages which described the majesty of the law are seized upon as representing the views of the Judge.<sup>92</sup> But nothing came of the charge, no indictments were found.

As soon as it was learned in Utah from press dispatches that Governor Bate would offer a reward for the detection and arrest of those engaged in the mob violence on Cane Creek, Governor Murray took a hand in the procedure in a most unwarranted manner. Without any justifiable reason that any circumstance connected with the case can give, he sent the following dispatch to Governor Bate:

SALT LAKE, Aug. 22nd.

Gov. W. B. Bate, Nashville, Tenn.,

Dispatches state that you are exerting yourself to vindicate the laws in the matter of the murder of Mormon missionaries in Tennessee. I thank you for this action. The charges of preaching polygamy does not excuse murder. I trust that you may bring the guilty to punishment, thereby preventing such lawlessness in Tennessee or elsewhere. Lawlessness in Tennessee and Utah are alike reprehensible, but the murdered Mormon agents

92. For example the Judge said, with respect to the helplessness of the courts and the law: "And this thing of murdering one another for differing in religious belief has been going on as far back as we have any history, and it looks as if it would continue as long as there remain two different religions and they can get hold of each other's missionaries; and no civil tribunal to this day has ever been able to suppress it. . . . This practice of killing men for attempting to introduce a new religion in a country that does not want it can never be suppressed by the civil tribunals, and he who expects it will certainly be disappointed. . . . "I have said this much that the public may see how futile it is for a court to attempt to do anything in a case like the one before us, and it is obliged to remain this way so long as there is such a diseased sentiment among a part of the clergy, a portion of the press, and many of the people." (Mill. Star, Vol. 46, p. 805).

On the side, of the majesty of the law, he said: "The law is: that any person going about the country masked or disguised is guilty of a misdemeanor. If they make an assault upon any one with a deadly weapon, it is a felony, and if they kill any one it is murder, and in such cases it is the duty of the grand jury to send for witnesses if they think they know who can make out the case, and examine the witnesses touching the offense of going masked or disguised, and any offense growing out of it, and find bills or not, as the proof may justify." (Id., p. 805-6).

"And these two views the judge linked together with this discouraging, nerveless observation: *"But, gentlemen of the jury, it makes no difference how powerlessly the courts are in such cases, they must act, and in cases like this must generally fail to do anything, and must bear the consequences of one party for trying to do, and the censures of the other party for not doing what they cannot do."* (Id.) This "straddle" of the case—this confession of the inability of the court to do anything, effectually put an end to any earnest effort to bring the guilty to punishment.



in Tennessee were sent from here as they have been for years *by the representatives of organized crime*, and I submit that as long as Tennessee representatives in Congress are, to say the least, indifferent to the punishment of offenders against the national law in Utah, such cowardly outrages by their constituents as the killing of *emigration agents* sent there from here will continue.

ELI H. MURRAY,  
Governor.<sup>93</sup>

This dispatch served two purposes to Governor Murray; first, it enabled him to falsely represent the elders of the Church of the Latter-day Saints as agents of "organized crime in Utah," thus suggesting the ground plan of an excuse for those who murdered them—leaving his expressed wish that "the guilty might be brought to punishment," and his characterization of the Cane Creek deed as a "cowardly outrage," as just so much insincere mockery; and second, it enabled him to rap the representatives in congress from Tennessee for what he regarded as their indifference to the Mormon question, and their unwillingness to favor the Anti-Mormon legislation pending in congress. His prediction that as long as the attitude of Tennessee's representatives continued to be one of indifference to Anti-Mormon legislation, such deeds as the Cane Creek massacre might be repeated, was evidently an effort to force the attitude of that state's representatives on a public question; and certainly his prediction would tend to encourage the repetition of such deeds.

Evidently, from Governor Murray's point of view, no opportunity was to be lost, no matter how brutal or sacrilegious the use of it might be, to further the Anti-Mormon propaganda before the populace of the country, and in the United States' Congress.

In addition to the massacre on Cane Creek, the eventful summer of 1884 in the southern states mission was enlivened by a mob at Rye Station in Mississippi seizing Elder Charles Flake at night, while waiting for the arrival of a companion on an incoming train, and pouring over him a half tub of pitch and tar,

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93. San Francisco *Bulletin*, to which paper the message was sent as a special dispatch. It is copied into *Deseret News—Weekly*—of Sept. 3rd, 1884.



and compelling him to leave before the arrival of his companion. This in May.<sup>94</sup>

A Latter-day Saint meeting house was burned to the ground by a mob in St. Clair county, Alabama.<sup>95</sup>

On the 24th of July, in Meshaba county, Mississippi, Elder John W. Gailey and Joseph Morrell were taken out into the woods in the middle of the night, ropes placed about their necks, by which they were led while an angry dispute arose between their score of captors as to whether they should be hung or whipped. The whipping was finally decided upon. The Elders were stripped and tied to trees, after which one of the mob selected for the task, because of his great strength, was detailed to give them fifteen lashes each with a heavy leather halter strap doubled, which he did with all the brute force he could put into his blows.<sup>96</sup> They were then ordered to leave the county.

On August 8th, in Lee's Valley, Hawkins county, Elder James Roskelley was shot through the arm while seated upon the porch of the house of a Mr. Green, a prominent citizen of the place, whose son had been healed through the faith and administration of the elders. The assault was committed by a negro who had been hired to perform the act. The attempt was most murderous as the ball had sped obliquely across Roskelley's breast and entered the fleshy part of his arm.<sup>97</sup>

On the night of the 17th of August in Lauderdale county, Alabama, Elders J. J. Fuller and Geo. J. Woodbury were assaulted, and taken to the woods where Elder Fuller, a man well advanced in years, was given about forty lashes and ordered to leave the county. Woodbury had made his escape from the mob while being ordered from the house to the woods.<sup>98</sup>

There were many threats made in various parts of the south. Mr. Garrett of Cane Creek settlement, though not a "Mormon," but who had extended the hospitality of his home to the elders, and had rendered valuable assistance in taking the bodies of Elders Gibbs and Berry from their graves that they might be

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94. See Hist. of the Southern State Mission. Southern Star, Vol. I, p. 169.

95. Ibid, p. 178.

96. Ibid, p. 186.

97. See Mill. Star, Vol. XLVI, pp. 580-1.

98. Ibid, p. 653.





sent to their sorrowing families in Utah, was compelled by repeated threats to leave his home, and despairing of ever being able to live in security in that settlement, sold his home and farm at a great sacrifice, and moved into Bond county, Illinois.

So numerous were the threats of mob violence that it was thought prudent to suspend missionary activity for a time, and allow the excitement to subside; but there was no intention of abandoning the field. Later in the fall the presidency of the mission submitted their report of conditions in the south to the First Presidency of the Church, who advised that the work continue to be conservatively carried on, avoiding difficulties as far as possible, "and when they persecute you in one city, flee ye to another," was the signed instructions of the Presidency of the Church.<sup>99</sup> Letters were accordingly written to the conference presidents to this effect, and the south has continued a prosperous and fruitful mission to this day (1915), and now numbers 164 traveling elders, and 17,561 members of the Church.<sup>100</sup>

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99. Hist. Southern States' Mission in Southern Star, Vol. I, p. 242.

100. Reports from the presiding bishops office Ms-Official.



# AMERICANA

May, 1915

## "For Conscience Sake"

The greatest (BY CORNELIA MITCHELL PARSONS)

no original and to

According to the

### CHAPTER XV

Shelton

Sorrow to TREACHERY. LADY MOODY'S DEATH

"Be like the bird, that halting in her flight,

Awile on boughs too slight,

Feels them give way beneath her, and yet sings,

Knowing that she hath wings."

—VICTOR HUGO.

"If a brother bleed,

On just atonement, we remit the deed.

A sire the slaughter of the son forgives

The price of blood discharged, the murderer lives."

—GREEK VERSE.

SOME years have passed since we last looked in upon the Lady Deborah Moody. The days were filled with sunlight and shadows, while the stately Mistress kept watch and ward. Gravesend grew slowly, and the English colonists, ever restless, longed for the removal of the Dutch yoke. Now and then some mysterious letter would come from over the sea to Lady Moody, telling her of the unrest in the Motherland. Sir Edward Whalley wrote constantly to her, and she had just finished reading his last letter, one day, when something made her exclaim in surprise:

"'Oliver Cromwell is dead, and Richard his son reigns in his stead.'

Oliver dead. That restless soul freed.

She continued 'I fear me there will soon be not a spot in England where it will be safe for me to rest; Richard Cromwell's reign will not last long. I feel as if branded on the forehead with the letter R.

When Charles is King, for such must be, I will fly to your side of the world. William Goeff, my son-in-law, will go with



me. We have well considered the matter, and it grieveth me exceedingly to leave dear Frances and the children behind me, but they will soon join me in Virginia Plantation, where my property is. Poor Robert, my brother hath fled. He is a marked man. He is hiding somewhere under another name. I think his surname is Theophilus. I shall take the name of Middleton; William Goeff that of Edmundson. You will see us before long. The greatest secrecy must be used, as at any time we are likely to be arrested, and to perish as the others did. Stephen Goeff is becoming more and more a devoted Papist. It is a deep sorrow to William, my son-in-law. What strange things happen in this world of ours. Think of the son of the good Puritan Dr. Goeff being Superior of the Oratory of the Seminary of Notre Dame de Vertus. He hath of late done much for the clergy of both Protestants and Papists, and is now providing for fourteen, exiled from England, and giveth to them without stint. The Queen Mother, Henrietta Maria, hath appointed him tutor to Charles' natural son, James Crofts. I shall ever think of Stephen as I last saw him. He was ever an extremely learned man. It is hard that all is so changed with him. I ofttime wonder if he thinks of his little girl, Frances, now a woman grown. I try to think he liveth up to what he thinketh to be right.

Poor mad Mistress Penelope must have died long since. She escaped from the dull house where my brother Robert had placed her, as you know. Robert, marrying so late in life, never recovered from the shock of finding out the state of her mental condition. Truly he loveth the little Frances more than her natural Father, who hath never seen her. I trust that your neighbors are more settled in mind, and Master George Baxter and James Hubbard will in the future behave themselves. You are ever, dear Lady Moody, loyal, one of God's noblewomen, and will be Hubbard will in the future behave themselves more decently. You are ever, dear Lady Moody, loyal, one of God's noblewomen, and will be loyal to the end, for Conscience sake. May our meeting be before long, but if you never again receive word from me, you will know that I, also, tried to do my duty as God hath shown it unto me. As I sign my name, Edward Whalley, I see ever before me the name 'Regicide,' and the word 'Remember.'





Would that they would remember Charles' last words, that his enemies should be forgiven. I wonder ofttime if I did the right.

P. S.—Twenty men on the list are dead, and others will meet death, if I here remain. Suspicious are rife. I hear they call me the new Protector. The long Parliament hath withdrawn my command as General, through fear of my influence. They have sent me to treat with Monk, but he hath refused to meet me.

I have fought and suffered, noble man, but what I have done, in my poor way, has been nothing to your brave deeds. Oliver Cromwell hath passed away. I remember well the words he spoke after the trial of Charles. 'What shall we do with this fool's bauble?' He forgave not even Colonel Harrison, his friend, because he feared him. God must judge: not man. We poor, short-sighted creatures of the dust—God help us! Poor, mad Penelope! And then the other side—the beautiful love of Henry and Frances. Stephen, an ambitious man, but deserting his wife and child. The poor, mad creature, who had become like her wild surroundings." "Oh, Stephen," raising her eyes to the portrait, "how different your life and mine might have been, if we had married. It was not to be. I ofttime wonder if you would have been different then." She again glanced at the portrait. It was a kind, but a determined face. Would she ever see him again? No, she was now an old woman. "Cruel influences have done it all. Would that your life might have been different, and for Conscience sake, from the ashes of time, you might have risen a different man. I love you yet, Stephen, but it is a different love from the one held in my girlhood. How strange a woman's heart is. I gave the dear Baronet, my husband, honour and respect. It was all he asked; for he knew my history. A dear man, and full of sympathy. But what we women have once given, we cannot give again. How dark it grows. Would that little Frances and Henry might return from their walk. These autumn nights set in early. I will have a light. Dawkins, Dawkins!"

"You call your maid, and lo, I, Penelope, come. I have stood long at the door, while you sat gazing into the face of my husband. How dare you? Where found you the portrait of my husband? Wretch, I know! Yes, you smile and dream of the time



when he loved you. I know he loved you, for he never loved me, even though I was before God his wife. I was jealous. One day he told me that he hated me, for I had come between. Then my eyes saw blood, only blood, a sea of blood." The mad woman held her dagger in her raised and withered hand. Deborah Moody, you might have borne his name, if it had not been for me, your friend. I have had enough. I swore to your Frances, and my Frances too, that the dagger should find its victim. I shall find it now."

Lady Moody trembled before the mad creature. She called for "Help, help!" The owls in the trees hooted back.

"See, my friends answer you as I would wish. They will not help."

"Dawkins, Annetze, Frances, Henry!" No answer came.

"You called Frances. That was once my name before I ruined it. Where is the gold? One night I thought I saw it. Show me where it is—the trust money! You have it. Oliver St. John told me he placed it in your hands. Tell me, wretch! You would despoil my child, my little fatherless Frances, and take the gold as well. Where is the gold and parchment?"

Lady Moody knew she was dealing with a person more than her match in strength, for Mistress Penelope was younger. Her tongue clove to the roof of her mouth, but she pointed with her trembling hand to the portrait.

"It is in there, all there, with the parchment."

"The portrait, my husband's portrait, hath bewitched you. You are a witch, and shall die."

"Help, help."

No answer came. *no in the*

"Remember, remember." Rushing forward, she plunged the dagger in Lady Moody's breast, and drew it out, all crimson with the blood of her friend; her victim uttering a scream and moan, lay swooning at her feet.

"So die, so die," she muttered. "The dagger I shall keep, keep forever. 'Remember, remember.'"

Flying from the door, she vanished into the forest, joining her wild friends.

A few moments after, Sir Henry and Frances arrived, coming



from the opposite direction to which the woman had taken. It being late, they hurried in to show the flowers, they had found, to the dear Mother. A scream and cry of terror rose as both seeing the prostrate form on the floor, rushed forward, kneeling beside her. They tried to restore her to consciousness. The poisoned dagger had done its work. Lady Deborah Moody lay dying. There were no marks of blood; only upon the dagger which the woman had taken. The small instrument had made a tiny wound. They thought she had fainted. Henry ran for the flask, which he held to her lips, forcing some of the liquid down.

"It is only a faint, Frances; Mother hath been doing too much to-day. Mother, Mother, can you not speak to us?"

For a moment only, Lady Deborah opened her already partially glazed eyes. "It is not death: it is translation. The love of Christ, the love—remember."

And she was gone.

They laid her on the couch and closed the beautiful eyes, and folded the kind hands on her breast. Then Dawkins, or some one, came, and a physician was summoned.

"It was the heart," he said. "She had been growing feeble of late; he had noticed it, the change." He found a drop of blood on her kerchief, but did not dream that it was murder. The Dutch are ever slow in intuition.

The funeral in two days' time was largely attended by the many friends from far and near. Peter Stuyvesant and his Lady and many others who had known, respected and loved her, were all there. As had been her wish, so often expressed, they buried her across the lane in the little God's Acre, and on a little flat stone, under her name and age, were these words, which time has eaten quite away now. 'For Conscience Sake.' The burial was at twilight time. All nature was hushed. The birds sang their hymns of praise; the blue skies above, the rippling blue waters of the blue bay in the distance, the tall trees and swaying grass all seemed to whisper 'Peace.'

'Weep not for her,' a voice saith, 'but weep for yourself and for your children, for few in Israel shall be found worthy.' Tears fell from many eyes as the Indian maid, Minatonka, laid a few





wild flowers on the grave, looking up into the sky above, for she knew only the tired body was lying here. The Spirit had flown to a better country. Yes, Lady Moody, her friend who had taught her so many lessons, was with the Great, White Spirit.

## CHAPTER XVI

### SIR HENRY MOODY'S VICISSITUDES

"Tears, idle tears, I know not what they mean,

Tears from the depth of some divine despair

Rise from the heart and gather to the eyes,

In looking on the happy autumn fields,

And thinking of the days that are no more."

—TENNYSON.

"Annetze," it was Sir Henry who spoke, "Annetze, I pray you call Mistress Frances. I would speak with her."

Annetze, who was sitting by the kitchen window, polishing a pewter platter, rose hastily to her feet.

"Mistress Frances departed more than three hours ago, saying she would go to Manhattan on a bit of business. She asked me to acquaint you, Sir Henry, with the news, and I have forgot, but she left a letter. What did I do with it? I am indeed a careless loot. Between all the new duties since my Lady left, and Mistress Frances, with her looking after half the sick people in Gravesend, I believe, Sir Henry, that my brain is half gone astray."

"You say Mistress Frances went to Manhattan more than three hours ago?" "Yes, Mein Herr, and the letter, what did I do with the letter? I am such a careless jade, and quite undeserving of even a kind word of approbation."

"Search with diligence for the letter, Annetze, for it must be that Mistress Frances was called suddenly away. What a mistake it was, this morning, my going to Coneyne. Frances probably needed me, and of course, I was not to be found. What time did Mistress Frances leave, Annetze?"

Annetze glanced up at the tall clock in the corner. "It is five by the clock now, Sir Henry, and three hours ago would make it just two. How the time flies, and my pewter platter's not half scoured and polished. Master Litschoe, the innkeeper, came to see you, Sir Henry. He was much distressed that you were not at home."



"Did the man say what his business was that brought him here to Gravesend?"

"No, Mein Herr. Daniel Litachoe said he would return to-morrow."

"Did any one else come or leave a message for me, Annetze?"

"Yes, Mein Herr, Master Johnson. He was in a surly mood, and spoke most gruffly to me. He said these words: 'Annetze Wall, what are you doing here?' I answered I was engaged in my business, in looking after the work in this dwelling. 'Master Johnson,' I said, 'pardon me, Sir, but we must each attend to our own business, and just now, I am trying to finish the scouring of my pewter platters. I find it hard to talk and work at the same time.' I think I heard him swear, for he spoke roughly. 'That you, a decent maid, work for such a dog and rogue as Sir Moody. He is indeed a very skellumme.'"

"The rascally ass."

"I stuffed my fingers into my ears, so that I heard no more of his talk, but I couldn't keep them there all of the time, and when I took them out again, Master Johnson was using the most vile and evil language, so disrespectful and coarse, Meinherr, to you."

"The knave ought to be tarred and feathered. I'll punish him for his insolence."

"He said, Mein Herr, that you and Mistress Frances were living here with no one to look after you, with no—a queer French word, something like 'chaperone.' He said it was no fit place for any decent girl, and he ordered me to leave the house, or he would force me to do it. 'Working for an Englishman,' he said, 'who doesn't half pay his debts, and whose word is of no account.'"

Sir Henry's face was livid with rage. "He said all that, Annetze? I'll force him to eat his own words! You are an honest good girl to tell me, and I will complain to the Governor, and have him forced to pay a goodly sum, as a fine, even ten guilders, if need be. It is all well for you to say these things to me, but when Mistress Frances returns, do not make any of the man's coarse language known to her."

"Yes, meinherr, I will keep my tongue in its place, but I am all turned upside down from the man's words, and haven't half



finished my tasks. I know it would only grieve Mistress Frances, and nowadays she hath enough to grieve her. She cries all the time, meinherr, when she is by herself, and there is no one listening."

"Mistress Frances cries much."

"Yes, Sir Henry, she misses my Lady grievously, and cannot sleep or rest for thinking of her. Mistress Frances is a beautiful Lady, and will make a good Mistress when you are married, Sir Henry."

"*When* I am married, yes. But enough of this, girl; you can report to me, if Mistress Frances returns."

"O, Mein Herr, here is the letter from Mistress Frances."

Turning away, he bit his lip, and walked into the library. How empty the room looked. The two figures so familiar in his daily life were not there. He sat in his Mother's chair, glancing up to the portrait of Stephen Whalley.

"How different my life might have been if Mother had married that man—if here at all. How I miss my own, darling Mother. The good counsel and cheering words of daily guidance. In the world, all is just the same. Nature goes on blooming, while the one so necessary to me, and to Gravesend; to the Governor, and to her friends, hath left us forever. The poor and rich are disconsolate without her presence, for she was all sunshine. I am glad she hath left me her precious legacy, dear Frances. In truth, she will be all in all to me. She is young and beautiful, and hath many lessons yet to learn in this weary world. The maid, Annetze, saith that she crieth so much at times. I must inquire into the matter. Frances grieveth more and more for our dear Mother, and will not be comforted. She needeth such a companion, as my Mother, and I am only a man. But the letter, I have forgotten to read the letter. It maketh me indeed angry to have the coarse tongues wag about Frances and myself. I hope no word hath reached her innocent ears. That wretch of a man Johnson!"

Breaking the seal of the parchment which he still held clutched tightly in his hand, he read the following:





'Sir Henry Moody,

Dear and Respected Friend.

I am going to say words which will sorely hurt you, dear; will cut you to the heart, for I know of the great love you have cherished for me in your heart of hearts, so noble. I pray you forgive me for taking the step I have now decided upon. For a reason unknown to you, but known only to myself and God, I cannot marry you, Henry, and so I am going away, going where you cannot find me; so do not try.

I shall marry no other one, but shall carry in my heart the love you have given so devotedly to your little Frances. She would willingly be your little sister, and give her life up for your happiness, but the evil tongues would wag, and the good name, like that of my dear one, would be tarnished. My poor, demented Mother still lives. She needeth me, and hath bade me follow her. The gold I have taken from the picture and also the parchment relating my history. I have not taken all the gold, and would not have taken any, had you not often and often urged me to use some of it for myself, as you said money was scarce, and that you were unable to meet many bills, and so could not advance some to me.

Do not think of me except in greatest love, for I shall always love and honour you. My poor Mother calls, and I must go away with her. Why should the man I have chosen for my husband, and who hath chosen me, have to suffer! If you knew, dearest Henry, the great sorrow that has come into my life, since your Mother left us, you would understand. My lips are sealed; I cannot explain. But in the last great day, when all will be made clear, you will understand, and forgive me for taking this step. I have done so with much prayer and deliberation. I shall be with my Mother; so do not worry. May our Master hold you in his safekeeping for now and Eternity. I have tried to be honest, but my last word is 'remember.' Not using the word as our King used it, but I would have you keep me ever as a beautiful memory.

With a breaking heart, but with love that knoweth not death, ever your own little

FRANCES.'



The letter fell from his fingers. "My God, is she mad, like her Mother! God in Heaven, have mercy upon us both. I will follow after her, and bring her back, my little Frances. Annetze, order Henry to saddle Duchess, for I would ride without an instants delay to Manhattan." (Aside) "Governor Stuyvesant will in all probability know of her whereabouts. He will give me aid."

Leaving some directions as to minor matters, he jumped on his horse, and Annetze, who glanced out of the window, soon saw the horseman swallowed up in a cloud of dust. She returned to her work, calling out to Dawkins, who was engaged in doing some mending, that Sir Henry had some important business in Manhattan, and had hurried there. He had said he would not return for the evening meal, but would put up perhaps, at Daniel Litchoes' inn, near Wall Street and Pearl. It seemed to both maids that the house was more desolate than ever. A thunder storm was coming up, so they closed the windows, and attended to various duties in regard to stables and cows. Dawkins, the old and tried servant, who had been Lady Moody's stay and comfort these many years, had surmised that there was something quite wrong with Mistress Frances, when she came to tell her she was going to Manhattan. She hated to say anything of her suspicions to Sir Henry when he returned from Coneyne Island. He had ever such confidence in Dawkins' good advice, but, this time, he had not even waited to consult her, but had gone off as if in a whirlwind. What did it all mean? Master Baxter had gone to Virginia, now that he was pardoned, so she couldn't consult him, and Master Hubbard and Master John Tilden were from home. Her dear Mistress—the house was a changed place since she had gone, all swept and empty. She wondered when Mistress Frances would return and if the whole trouble that made Sir Henry go was not on account of the insolent Johnson, and the words he had spoken that afternoon. Annetze Wall, the maid, had said he had used unseemly language, and she would certainly relate all to Sir Henry.

There were of late so many happenings. At the funeral, when they laid her dear Mistress to rest, she lingered behind the others, and caught sight of such a queer, wild looking woman, in a



long cloak. She pointed her finger as she passed near the grave. One night in a dream, she thought it was a dream, the same figure stood by her pillow. Then, too, Mistress Frances was always taking food and dainties to some sick person who lived alone.

"I never was brought up to ask impertinent questions," Dawkins said, "But it certainly is peculiar how many things nowadays disturb the house. One gets in the habit of expecting the Indians, but one never can expect uncanny things, the kind that make one's flesh creep."

The storm came, and Sir Henry did not return. A letter the next day to Dawkins said that he, Sir Henry, was detained by special business. That Mistress Frances had disappeared; no trace of her could be found. They thought the Indian maid, Minatonka, had departed with her. His Excellency, the Governor, was doing all that was possible, not leaving a stone unturned.

A week passed. Sir Henry, looking many years older, returned to his now deserted home, a brokenhearted man. He hated the place, and yet he loved it with all its memories. He had quite made up his mind to sell the dwelling and lots; making his home in New Amsterdam for the present. Among new surroundings, he might find distractions from this great grief, which was eating his heart out.

No one could give him news of his beloved Frances, or of the strange disappearance. He visited the forest, and found the hut empty and the occupant gone. Even the pet snake had departed. Sir Henry drew his own conclusions. That for a matter of conscience Frances felt that her Mother needed her. In the new world there was no asylum or retreat where she could be guarded safely, and so perchance, she had decided to seek a new home, away off among perfect strangers, where she could watch over the insane woman.

The secret all this time had been well kept, even from the servants, by Lady Moody, Sir Henry and Frances. None of their neighbors ever knew who the witch Penelope was, and she disappeared as quickly as she had appeared a few years before. As to young Mistress Frances, the servants were inconsolable, and had concluded that she had been murdered by the Indians, on her





journey into Manhattan, as Governor Stuyvesant had never set eyes on her.

Sir Henry kept his own counsel, but he was a changed man. His one dream of happiness dispelled; his hopes blasted.

Master John Tilden, James Hubbard and others, having returned, had followed every possible clue, and at last had given all up in despair.

Dawkins had decided to return to the Mother Country, and Annetze soon was to marry a good Dutch soldier.

Sir Henry sold the two lots nine and ten, in the stockade to Jan Jansen Von Ryn, which lots were sold in 1663 to Ralph Cordell. Some years later they passed into the possession of the Johnson family. So many unpleasant events had transpired that Sir Henry's life was full of bitterness. The suit of Moody against Johnson was decided in Moody's favor, and Johnson was compelled to pay the ten guilders by Governor Stuyvesant.



## History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church

### CHAPTER CXIX

CHANGES IN THE LEADING COUNCILS OF THE CHURCH—THE JUDICIAL CRUSADE—SEGREGATION—EVASION OF PROSECUTIONS  
—THE CANNON EPISODE—THE REAL PURPOSE OF THE  
ANTI-MORMON CRUSADE—PELF NOT PURITY—THE  
EDMUNDS-TUCKER LAW

**F**OLLOWING closely the political developments from 1880 to 1884, with the anti-Mormon agitation of the period ending in the Tennessee Massacre, has led us past a number of events that must now receive attention.

The death of a number of prominent men occurred during this period, resulting in quite a number of changes in the personnel of the presiding councils of the Church. Among these was Joseph Young, brother of Brigham Young, who through so many years had been connected with the First Council of the Seventy—from its organization, in fact, in 1835, and from the 6th of April, 1837, the senior president of the council.<sup>1</sup> He died on the

1. When the first council of the seventy was organized Feb. 28th, 1835, the seven presidents chosen were: Hazen Aldrich, Leonard Rich, Joseph Young, Zebede Coltrin, Levi W. Hancock, Lyman Sherman, and Sylvester Smith (Joseph Smith's journal Hist. of the Church, Vol. II, p. 203). It apparently was overlooked, at the time, that presidents of the Seventy are to be "chosen out of the number of the Seventy" (Doc. & Cov. Sec. 107; 93); for it was discovered later that of the above seven brethren all but Joseph Young and Levi W. Hancock had been high priests. Accordingly on the sixth of April, 1837, on the occasion of a general assembly of the priesthood at Kirtland, the Prophet Joseph invited those brethren who had been highpriest to take their places in the highpriests quorum; (See Journal Hist. of the Church, Vol. II, p. 476). Also History of the organization of the Seventies, Joseph Young—1878—p. 5. There is some discrepancy between Joseph Young's account as to the time when the five highpriest, who had been ordained presidents of the seventy, were transferred to the high priests quorum. Joseph Young places it in November, 1835, the Prophet as occurring in April,



16th of July, 1881. Less than a year later, 18th of February following, John Van Cott, a member of the same council since 1862 died, making two vacancies in the council. On the 3rd of October, 1881, Elder Orson Pratt of the Council of the Twelve died; and his death, with one vacancy left over from the time of organizing the First Presidency in October, 1880, made two vacancies in the Council of the Twelve. About two years later viz., November 17th, 1883, Elder Charles C. Rich of the Council of the Twelve died; and a month before, that, viz., Oct. 16th, Edward Hunter, the venerable Presiding Bishop of the Church died in his ninety-first year.<sup>2</sup>

The vacancies created by the organization of the First Presidency at the October conference of 1880, when three of the Twelve Apostles were taken to constitute that Presidency, and

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1837. Compare citations given above in this note. James Foster, Daniel S. Miles, Josiah Butterfield, Salmon Gee and John Gaylord were ordained to take the place of the five retiring brethren. It was reported that Levi W. Hancock, who was absent from Kirtland, at the time, had also previously been ordained a highpriest and John Gould was put in his place in the First Council. When Elder Hancock returned to Kirtland during the summer of 1837, it was ascertained that it was a mistake about his having been a highpriest, and John Gould was taken into the high priest's quorum, and Hancock was retained in the First Council.

2. Of notable men in the Church who died in this period, but not numbered among the general Church authorities, was Hon. John M. Bernhisel, Sept. 28th, 1881. Utah's delegate to congress for many years; Geo. D. Watt, the first man baptized in the British mission, Oct. 24th, 1881; Hon. William H. Hooper, many years Utah's delegate in congress, Dec. 30th, 1882; Elizabeth A. Whitney, generally known as "Mother Whitney," the widow of Bishop Newel K. Whitney, and a most steadfast, early friend of Joseph Smith, the Prophet, died on Feb. 15th, 1882. "She was the second of her sex that received the endowment ceremonies, being a High Priestess in the House of the Lord." (See *Deseret News*—Weekly of Feb. 22nd, 1882, p. 72, where note of her death and her life's work will be found, and testimonies of her virtues). Among the notable men who had befriended the Latter-day Saints who passed away in this period was Judge Jeremiah S. Black, whose death has already been noted; and Gen. Thomas L. Kane,—so often referred to in these pages—who died at his home in Philadelphia on the 26th of December, 1883. His friendship for the Latter-day Saints in Utah remained steadfast to the end. In a letter to Geo. Q. Cannon, Mrs. Kane under date of Dec. 30th, wrote:

"My Dear Mr. Cannon:

"Your friend suffered intensely until a few hours of his release, and his mind was wandering from the outset of the attack. Yet in the intervals of consciousness he was fully persuaded of the approach of death, and made efforts to give us counsel and to bid us farewell. In one of these lucid moments he said: 'My mind is too heavy, but do you send the sweetest message you can make up to my Mormon friends—to all, my dear Mormon friends.'"

Mrs. Kane adds:

"Nothing I could 'make up,' I am persuaded, could be sweeter to you than this evidence that you were in his latest thoughts." (*Juvenile Instructor*, Vol. XIX, p. 23). In this same number under "topics of the Times and Editorial Thoughts a very fine character sketch of the General will be found.





the vacancies created by the deaths noted above, were filled as follows: Francis Marion Lyman<sup>3</sup> and John Henry Smith,<sup>4</sup> both ordained 27th of October, 1880. The remaining vacancies, one left over from the time of the organization of the First Presidency, and that occasioned by the death of Orson Pratt, were filled by the appointment of George Teasdale<sup>5</sup> and Heber J. Grant.<sup>6</sup> The last two brethren were chosen by direct, formal revelation,<sup>7</sup> given on the 13th of October, 1882, through President John Taylor. They were ordained on the 16th of the same month. The vacancy in the Apostle's quorum occasioned by the death of Elder Charles C. Rich was filled by the appointment of Elder John W. Taylor—son of President John Taylor—to that position on the 6th of April, 1883.

At the October conference of 1882, Elders Abraham H. Cannon and Theodore B. Lewis were selected to fill the vacancies in the First Council of the Seventy; but it was learned that Elder Lewis was a high priest and consequently, for the reason that these presidents are to be "chosen from among the Seventy," he was found ineligible and was not ordained. Abraham H. Cannon was ordained one of the First Council on the 9th of October, and on the 13th, Elder Seymour B. Young was chosen by direct revelation to fill the remaining vacancy in the First Council, be-

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3. Lyman was the son of Amasa M. Lyman, formerly one of the Twelve Apostles, and prominently identified with the affairs of the Church as already detailed in these pages. The new Apostle was born Jan. 12th, 1840, in the town of Goodhope, McDonough county, Illinois. His mother's name was Louisa Maria Tanner. The Utah Lymans run back into the great American Lyman family of the New England states.

4. John Henry Smith was the son of Geo. Albert Smith and Sarah Ann Libby. His father was a member of the apostle's quorum and counselor to President Brigham Young. He was born near Council Bluffs, Iowa. Sept. 18, 1881.

5. George Teasdale was the son of William Russell Teasdale and Harriet Henrietta Tidey; and was born in London, England, Dec. 8th, 1831. He received the faith of the Latter-day Saints in 1852, came to Utah in 1861, and had been active in Church service for many years.

6. Heber J. Grant was the son of Jedediah M. Grant, Salt Lake's first mayor, and counselor to President Brigham Young in the First Presidency of the Church. He was born in Salt Lake City, Nov. 22, 1856. He has the distinction of being the first native son of Utah to be chosen one of the Twelve Apostles of the Church.

7. The Revelation complete was published, and will be found in L. D. S. pamphlets, Vol. 65, Collection in Historian's Office. See also Letter of President John Taylor to Albert Carrington, *Mill. Star*, Vol. XLIV, pp. 732-3. According to President Taylor the revelation was submitted to the Twelve Apostles and accepted by them afterwards to the Presidents of Stakes, the First Council of the Seventy and others. (Id.)



ing named for that position in the same revelation that called Elders Teasdale and Grant to the Apostolate,<sup>8</sup> and he was ordained on the same day with them. The vacancy in this council created by the death of John Van Cott, was filled by the appointment of Christian D. Fjeldsted, who was ordained on the 28th of April, 1884.

The vacancy occasioned by the death of presiding Bishop Edward Hunter was filled by the appointment of William B. Preston,<sup>9</sup> at the April conference of 1884. He was at the time of his selection President of the Cache Valley stake of Zion. He retained in service the counselors of his predecessor, Leonard W. Hardy and Robert T. Burton, and these three constituted the new Bishopric of the Church.

In harmony with the instructions in the revelation of 13th of October, 1882, to the Twelve, *viz*, to assist in organizing that body of the priesthood—the seventies—who were their co-laborers in the ministry, much attention was immediately given to setting these general quorums of the Church in order. For some years confusion had existed in these quorums. In October, 1844, at Nauvoo, they were increased to ten in number. The first quorum of seventy was broken up into councils of seven to preside as councils over these ten respective quorums; but they still constituted also the first quorum of seventy. During the next two years the number of quorums was greatly increased, and after arriving in Utah the multiplication of quorums went on, but without definitely districting them. The result was that a quorum was scattered to wherever its members wandered, and the only meetings that could be held were “mass meetings” in appointed districts, instead of in quorum meetings. Under the readjustment of the quorums in 1883, however, it was proposed that quorum districts be organized with the establishment of headquarters for each quorum, where its records should be kept;

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8. Taylor's Letter to Carrington, Mill. Star, Vol. XLIV, pp. 732-3.

9. Bishop Preston was born in Franklin county, Virginia, Nov. 24th, 1830. His father was Christopher Preston, a cousin of W. B. Preston of Virginia, and W. C. Preston, of North Carolina, both members of congress from their respective states. His mother's name was Martha M. Claytor. He received the gospel of the New Dispensation in California, to which state he had removed from Virginia in 1852. He came to Utah in 1858, and participated in all the activities of developing a new and but sparsely settled country. (See Biography in L. D. S. Biographical Encyclopedia,—Jensen—Vol. I, p. 233.



such districts to be distributed throughout the Church territory under the direction of the First Council as the number of the priesthood residing in such localities might seem to justify; and any vacancies that existed, either in the presidency or the membership, might be filled by the ordination of persons residing in the locality in which the respective quorums were located. Seventies removing from the district where their quorum was located could take a transfer from their quorum to the one into whose district they moved, and thus the quorums would be kept in existence, meet in their quorum capacity, and maintain a permanent entity.

The first quorum was to consist of the First Council of the first Seventy, and the senior presidents of the next sixty-three quorums. In case of the absence of any of the first quorum, thus constituted, the senior presidents of other quorums might act in their place. In all cases where members of the quorum are called in question a majority of their respective quorums were declared to have jurisdiction in all cases involving their standing. Any complaints regarding the presidents of quorums were to be made to the First Seven Presidents of Seventy, who might suspend them, if the conduct complained of seemed to justify it, pending the action of the first quorum. Any Presidents or members from whom fellowship was withdrawn were to be reported to the high council having jurisdiction. These several arrangements written as instructions for the setting in order of this body of priesthood, received the sanction of formal revelation through President John Taylor, on the 13th of April, 1883, by the Lord saying: "*what ye have written is my will, and is acceptable unto me.*"<sup>10</sup>

The impetus given to this branch of the priesthood by these arrangements and instructions, has continued to this day; until now, (1915) these quorums number 196 in all, with a total membership of more than ten thousand.

It was during this period, August, 1883, that the Maori Mission of New Zeland was given an impetus that has made it one of the most interesting and successful missions of the Church.

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10. See Seventy's course in Theology First Year Book, where the instructions and the revelation in full are given, pp. 9, 10.





The First Maori to join the Church was a sailor, baptized by Elder Richard G. Lambert, near Honolulu, Hawaiian Islands, early in 1874. Less than a year later, Oct. 18, 1881, Elder Wm. J. McDonald baptized Nagataki at Auckland, the first native to join the Church in New Zealand. In 1883-4 a number of natives were baptized in the Waikato district by Elders Wm. M. Bromley, Wm. J. McDonald and Thomas Cox, and were organized in February, 1883, as the Wautu branch of the Church by the last named Elder; of which a native, Hare Te Katere was made president. Many of the members of this branch it is said proved unfaithful to the moral requirements of the gospel. The movement that gave the aforesaid impetus to the work among the natives in New Zealand in 1883 was the organization of a branch of the Church in the North Island at Papwai Wairarapa valley, by Ira N. Hinkley, Jr. Manihera, a native chief, was ordained a priest and appointed the president of the branch, and since then the mission among the natives of New Zealand has been one of the permanent missions of the Church.<sup>11</sup> In 1894 a number of the native New Zealanders immigrated to Utah;<sup>12</sup> but as a rule they have been encouraged to stay in their own country. Some of those who came to Utah afterwards returned as Missionaries to New Zealand,<sup>13</sup> and in 1913 a delegation of the natives, Lakerei Ihaia and five other natives spent four months studying social industrial and religious conditions among the Latter-day Saints.<sup>14</sup> The mission now (1915) numbers 6,246 members in 125 branches and 17 conferences. There are fifty-eight traveling elders in the mission from the stakes of Zion in the United States.<sup>15</sup>

In June, 1888, a mission was opened in Samoa, by Joseph H. Dean from Salt Lake City. Elder Dean arrived on the Island the 18th of June, 1888, accompanied by his wife. He at once began work among the natives of the group,—among whom he was immediately successful since by the first of July in the little Island of Aunun by the first of July following he had baptized thirteen natives. From then until now (1915) a successful mission

11. Above condensed from Jensen's Church Chronology, under date of Aug. 26, 1883, p. 113.

12. Ibid.

13. See Church Chronology, date of March 8, 1898.

14. Ibid. Date of Oct. 9, 1913.

15. Report from Presiding Bishop's office Dec. 31st, 1915.



has been maintained<sup>15½</sup> which numbers now (1915) 2,378, in 27 organized branches, grouped into 17 conferences. There are thirty-five traveling elders in the Samoan group from the stakes of Zion in the United States.<sup>16</sup>

On the sixth of April, 1913, the Latter-day Saint Maori Agricultural College at Korongata, near the town of Hastings, North Island, was dedicated with imposing ceremonies. The college was erected exclusively for native Maoris, but not exclusively for those of the Latter-day Saint faith. It consists of a tract of splendid land two hundred and sixty-six acres and a fine group of buildings. It has attracted wide attention throughout the dominion, and so far has been attended by uninterrupted success.<sup>16½</sup>

15½. Elder Joseph H. Dean was the first President of the Samoan mission. He was succeeded on August 16, 1890, by Wm. O. Lee; Lee by Geo. E. Browning Feb. 4, 1892; Browning by Ranson M. Stevens Nov. 8, 1893, Stevens by Thomas H. Hilton, May 17, 1894; Hilton by John W. Beck March 27, 1895; Beck, by Orlando Barnes April 22, 1896; Barnes by Edward J. Wood, 25 December, 1896; Wood by Wm. L. Worsencroft (in temporary charge); Jan. 24, 1899; Worsencroft, by Wm. G. Sear, May 3, 1899. During his presidency the Book of Mormon was translated into the Samoan language, Elder Sears being assisted in the work by Elders Frank E. Lewis, Edwin Smart and G. C. Spillsbury. The addition was 5,000. The Presidents in success since then have been—

16. Report from Presiding Bishops Office, Dec. 31st, 1914.

16½. The spirit in which this educational work is attended may be understood somewhat from the interest manifested at the dedication services alluded to above. More than three thousand people were present, of whom about one-third were Europeans from the city of Hastings, six miles distant from Korongata. "All could see," says the account of the conference, "that 'Mormonism' in New Zeland is a reality, as revealed through the magnificent group of stately college buildings. Hundreds of people passed through the buildings during the day, and after the dedication services the congregation crowded into the buildings. "As the people passed through the long halls from room to room, expressions of satisfaction and admiration could be heard on every hand. \* \* \* Monday following the close of the conference was an eventful day in the history of the mission and the college. The non-members of the Church, headed by their most influential chiefs, amongst whom were Wi Pere, Mahi and others called a great meeting for the purpose of making a collection for the college. A spirit of unbounded liberality and of the most friendly feeling was manifested. The proud chiefs delivered ringing speeches in favor of the Saints, and the educational work they are doing. They pleaded with their peoples to be loyal in their support of the institution which has been established for the education of the young Maori men, irrespective of creed. They designated the college as *their* school—the school for the Maoris. When all the "Rangatiras" (chiefs) had spoken, the contributions began. The representative of one tribe after another came to the front and placed the gift of his people on the plate, while their followers chanted their love greeting and danced their "Haka." When the meeting closed \$2,500 had been contributed. As I write another meeting is in progress for the purpose of raising the donation to \$3,000. Wipera, the noted chief of Turnaga, expressed the hope that some time in the not distant future the college might possess six hundred acres of land, and thus be able to make a free school for Maori boys. He assured all present that this would not be the end of the support given to the college, but that future contributions were in contemplation. Other chiefs, of some prominence followed in the same strain of thought, and all in all the financial outlook of the school is very encouraging." (Mill Star, Vol LXXV, pp. 372-3).



In the year 1883, began that series of prosecutions for polygamy and polygamous living, under the Edmunds law, which made the relationship begun by the polygamous marriage a continuous offense—defined in the statute as “unlawful cohabitation.” The prosecutions finally rose to a veritable crusade.

The prosecutions as stated began in 1883,<sup>17</sup> but no convictions were had until late in November, 1884. Several women in the early prosecutions were sent to prison for contempt of court for refusing to answer questions relative to their martial status in cases before the grand juries, and the U. S. commissioners’ courts.

Of these one had her experience in 1883, in the second (Beaver) judicial district. This was Bell Harris, daughter of Charles Harris, son of Emer Harris, who was brother to Martin Harris, one of the Three Witnesses to the Book of Mormon. She remained in prison from the 18th day of May to the 31st of August, 1883, when she was discharged without answering the questions of the grand jury. The jury, in fact, announced to Judge Twiss in court, their desire to withdraw their question, having been misled, as they claimed, by the prosecuting attorney.<sup>18</sup> She took with her to the prison her babe in arms. On her release she was given an ovation by friends in Salt Lake City.<sup>19</sup> The babe was the subject of a poetic effusion.<sup>20</sup>

About a year later a similar case arose before the grand jury in the third judicial district (Salt Lake City) when Nellie White of Morgan county, a school teacher by profession, refused to answer questions to the grand jury as to whether or not she had been married polygamously to one Girard Roundy. On refusing to answer she was adjudged guilty of contempt and sent to pris-

17. See cases of O. F. Due, arrested on a charge of polygamy 1st of May, 1883; (*Deseret News*—Weekly of May 9th, 1883).

18. See *Deseret News*—Weekly—of Sept. 5th, 1883, for account of her release. For record of her arrest and commitment see *Ibid.* of May 23rd, p. 273; and letter of Daniel Tyler on her parentage and honorable standing in the community life. *Id.*, p. 277, and Editorial comment, p. 280. One Annie Gallifant before this, viz. 14th of Nov., 1882, was taken before the grand jury in the third judicial district and questioned as to the man to whom she was supposed to be married. She refused to answer, and although daily expecting to become a mother she was kept in prison until the adjournment of the grand jury. Memorial of the Women of Utah to Congress Congressional Record, April 6th, Senate Proceedings, 1886.

19. *Deseret News*—Weekly—of Sept. 12, 1883, p. 536.

20. *Ibid.*





on.<sup>21</sup> She remained in prison until the 7th of July when she was released without having answered the grand jury's questions. While in prison she was interviewed by the noted woman journalist, Kate Field.<sup>22</sup>

Several other cases of woman incarcerations for refusing to testify before grand juries occurred in 1885. These were Lucy Devereau, Eliza Shafer, Elizabeth Ann Starkey. Though these women through a sense of loyalty to a cause refused to testify in the respective cases in which they were called as witnesses, indictments were found without their testimony—at least in the cases in which the first two were concerned—the Wm. D. Newsom and the John W. Snell cases, respectively; and in the third case, that of Charles L. White, in which case Miss Starkey was required to testify, he went himself before the grand jury and gave evidence that led to his indictment and conviction, and thus released the refractory witness.<sup>23</sup>

In a very few instances of over zeal, and doubtless at the time when it was thought that established sexual relations would be necessary to constitute guilt of unlawful cohabitation, women declared that they did not know who the fathers of their children were.<sup>24</sup> Such mistaken zeal, though practiced to thwart what was generally felt to be unjust prosecutions, was not approved by Latter-day Saint public sentiment. The Utah Commission appointed under the Edmunds law reported to the Secretary of the Interior, Hon. L. Q. C. Lamar, date of October 28th, 1885, that there had been eighty-three indictments up to that time, twenty-three convictions, seventeen cases of unlawful cohabitation" had escaped punishment by promising the court not thereafter to offend against the law themselves, "nor advise, counsel, aid, nor abet, in any way its violations by others; forty-three

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21. *Deseret News*—Weekly—of May 28th, 1884, p. 297.

22. *Ibid.*, of July 16th, 1884, p. 401.

23. *Deseret News*—Weekly—of Oct. 14. And also Memorial of Mormon Woman to the President of the U. S. and to the Senate and House of Representatives, Congressional Record of April 6th, 1886. Senate Proceedings.

24. See Record of third district court in *Deseret News*—Weekly—of Sept. 23d, 1885.



cases were awaiting trial.<sup>25</sup> The commission ventured to estimate—it could be no other than a mere guessing at the matter—the increase of plural marriages in the Church for the year 1884 at four hundred and fifty-nine males and females; but for the year 1885, they expressed the belief that there had been but very few such marriages.<sup>26</sup>

The prosecution of these cases from 1884 to 1887 became very vigorous. With the power, when empannelling both grand and petit juries, to exclude not only all who had ever practiced polygamy but all who expressed a belief in its rightfulness; with frequent resort to calling juries on open venire, because the regular panel would be exhausted by challenges for belief, it threw men on trial for these offenses entirely into the hands of non-Mormons, not infrequently their enemies, and before federal judges, who often manifested their bitterness in the sentences pronounced from the bench.<sup>27</sup> New and novel ways of interpreting the possibilities of the law, so as to increase its penalties, were resorted to. The statute provided that the misdemeanor of unlawful cohabitation should be punished by a maximum term

25. See report in full in *Deseret News—Weekly*—of Nov. 25, 1885. Linn gives the number of convictions as 3, in 1884; 39 in 1885; 112, in 1886; 214 in 1887; 100 in 1888; with 48 in Idaho, for the same period, a total up to that date of 416. See "*Story of the Mormons*," p. 599.

26. See report as above.

27. For the temper manifested by the courts see case of John Nicholson sentenced in the third district court; also case of Andrew Smith and Emil Olsen *Deseret News—Weekly*—of Oct. 21st, 1885. To Mr. Nicholson, Associate Editor of the *Deseret News*, the court said with great manifestation of feeling, at times during his remarks striking the desk with his hand: "If you do not submit, [i. e. to the expressed will of the American people] of course you must take the consequences; but the will of the American people is expressed (severely) and this law will go on and grind you and your institution to powder!" (Id.) See also same court in the case of Hiram B. Clawson, where the court declared from the bench the defendant's second wife a "*concubine*" and her children bastards, in the eye of the law, and lectured defendant for "timidity and lack of courage" for not defying his sect (Church) and promising to obey the law for the future. This involved, as Clawson had explained, just previously in his address to the court, a repudiation of women whom he had held out to the world, under the sanctions of his Church, as his wives for thirty years. "They have families of children that have grown up and married and have children," said he, "and now, at this time, at my age and at their age, to ask me to renounce those ties and cast those women off and leave them and my children, and say that I will have no more to do with them—your honor, it is a thing that seems impossible for me to say." (*Deseret News—Weekly*—of Oct. 7th, 1885). So in the case of Abraham H. Cannon on the 17th of March. After having explained to the court his reason for violation of the law the court then delivered a long address to the prisoner, speaking at first quietly, then growing more vehement, until he got into his usual angry mood, and thump the desk with his fist," etc. (*Deseret News—Weekly*—March 24, 1886, p. 145).



of imprisonment of six months, or a maximum fine of \$300, or both fine and imprisonment, at the discretion of the court. The Utah commission in its report of the 28th October, 1885, recommended that the term of imprisonment be extended to two years for the first offense and three for the second offense.<sup>28</sup> But the district courts had surpassed the commission's method of increasing the punishment of a simple misdemeanor, by a process of segregation of the time of the continuance of the offense so that imprisonment might practically be for life, and a fortune, however princely, would not suffice for the payment of fines that might be assessed—to such an extent had anti-Mormon madness carried away the federal judiciary of the Territory. This method of procedure was followed by Judge Zane of the third judicial district (Salt Lake City), on the occasion of the grand jury coming into court and asking for instructions upon a question of finding an indictment under certain conditions, that had been suggested by the U. S. district attorney. This on the 16th of September, 1885. The judge instructed the jury that an indictment might be found for any portion of the time, within the three years past—that being the period the Edmund's law had been of effect—in which the offense was prove to have been committed, whether it be a year, a month, or a week.<sup>29</sup> As it was held by the courts that it was not necessary to prove sexual association in order to establish the misdemeanor of unlawful cohabitation, but that the offense was complete “when a man to all outward appearances is living or associating with more than one woman as his wife.”<sup>30</sup> it was possible to prove any number

28. This report in full will be found in *Deseret News—Weekly*—of Nov. 25, 1885. In its previous report, Nov. 18, 1884, the commission only an election returning board by the law which created it. (see section 9 of Edmunds law,—1882), had recommended the exemption of prosecutions for polygamy from the operations of the general limitation laws, which barred prosecutions after three years; also they had recommended the providing of a special fund for the prosecution of these cases, to be furnished by the Department of Justice to the proper legal authorities in the Territories. These and other recommendations of 1884 were summarized and repeated in the report for 1885.

29. Third District Court Proceedings *Deseret News—Weekly*—of Sept. 23, p. 569.

30. Instructions of Judge Orlando W. Powers, Judge of the First District (Ogden) Court, to the grand jury on the 23rd of September, 1885. “To constitute the offense,” i. e. of unlawful cohabitation said the Judge, “it is not necessary that it be shown that the parties indulge in sexual intercourse. The intention of the law making power, in enacting the law, was to protect monogamous marriage by prohibiting all other marriage, whether evidenced by a ceremony or by conduct and circumstances alone.” *Deseret News—Weekly*—of Oct. 7th, 1885, p. 594.





of "cases" even out of ordinary acts of association and courtesy; and especially out of actions that had for their purpose the maintenance of the homes and looking after the material comforts of plural wives and their children. Nothing but absolute abandonment could meet the requirements of the law as interpreted by the federal courts. This interpretation made it possible for one victim when brought before the court and asked to plead to the charge of unlawful cohabitation, to plead guilty in this form—"If it is a crime to support my family, I am guilty of unlawful cohabitation."<sup>31</sup>

"An indictment may be found against a man, guilty of cohabitation," said Judge Powers, in his instructions to the grand jury already quoted, "for every day, or other distinct interval of time, during which he offends. Each day that a man cohabits with more than one woman, as I have defined the word 'cohabit' (see note 27) is a distinct and separate violation of the law, and he is liable for punishment for each separate offense."<sup>32</sup>

"In other words," rightly commented the *Deseret News*, "the law is now interpreted to embody a penalty of imprisonment for life."<sup>33</sup>

31. This was William J. Hooper before the third judicial district court, who pleaded on the 14th of Feb., six days later he was sentenced to the full extent of the law (see *Deseret News*—Weekly—of Feb. 16th and March 2nd, 1887). "When prominent Mormons," wrote Utah's delegate to Congress, Hon. John T. Caine to the President of the United States, "who had separated themselves from their plural wives immediately on the passage of the Edmunds law, and had honestly endeavored to obey that law, were indicted for unlawful cohabitation, and asked the right to prove that they had not had sexual intercourse with their plural wives, Chief Justice Zane ruled that such evidence was immaterial, irrelevant; that unless they had publicly abandoned their plural wives, they were guilty of 'holding them out' as their wives, which constituted the offense of unlawful cohabitation under the Edmunds laws. It mattered not that in the entire history of civil and criminal judicature no English or American court had ever held that cohabitation meant other than sexual intercourse, the 'Mormons' had to go to jail because they did not publicly renounce their plural wives." Letter of Hon. John T. Caine to President Grover Cleveland under date of Dec. 7th, 1885, found in full in *Mill Star*, Vol. XLVIII, pp. 20-22.

32. *Ibid.*

33. *Impression*—Weekly—of Sept. 23rd, p. 569. Judge A. B. Carlton of the Utah Edmund's law commission, speaking of this segregation scheme of increasing the punishment for a misdemeanor, said: "The third section of the so-called Edmund's Act of 1882 . . . fixes the maximum punishment at a fine of \$300 and imprisonment for six months; but the Judges invented a new doctrine and called it 'Segregation,' the gist of which is that, if a man had been living with two or more wives for three years, the period of the statute of limitations, the grand jury might 'segregate'; that is, divide up the three years into periods of a year, a month, a week or a day each, and bring in a separate indictment for each one of these 'segregated' period; so that the three years being 'segregated' into periods of one day each the



With the law so interpreted, and its possibilities of punishment so immense, it is small wonder that for the next few years a judicial reign of terror obtained in Utah and the surrounding Territories where ever the Latter-day Saints had settled. Funds were supplied through the federal department of justice for the vigorous enforcement of the law by increasing the number of special deputy marshals, and United States commissioners, with power to make preliminary examinations and bind over to appear before grand juries both those accused of polygamy and unlawful cohabitation, and also the witnesses in such cases. Fired with a zeal that gave every evidence of being born of hate, both for a system and of a people, officers of the law in many cases acted with a harshness that was not warranted when the nature of the offense and the character of the offenders are taken into account. The victims of this crusade were not criminals, brutalized by vices that are the ordinary concomitants of law-breaking. The men who had accepted plural marriage as a part of their religious obligations were among the most honorable men of the Latter-day Saint community, and confessedly, by the non-Mormon portion of the community, apart from the one circumstance of their acceptance of plural marriage as part of their religion, were regarded as men of honorable lives and probity of character.<sup>34</sup> The women involved in this marriage system were not women of a low class, or of brutal natures, but were chaste in thought and speech, refined in their manners, mothers of children, and were, even more than in monogamous marriage—since they had larger domestic responsibilities and duties—queens of their own homes. To assail such elements of a community as if they were criminals to be hunted down by brutal deputy marshals, was an outrage justified by no necessity arising

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offender, for three years' continuous cohabitation, might be indicted 1,095, with cumulative fines and imprisonments, amounting to \$328, 500 fines and 547 years and six months' imprisonment." (Carlton's Wonders of the Wild West—1891—Appendix, p. 337).

34. The character of the men who were brought before the courts and the grounds on which they stood with reference to this question before the courts and the country are so fairly represented in the character of Francis A. Brown, of Ogden, when before Judge Powers in the first judicial district of the Territory, that I use him to represent the Mormon side of this conflict, and Judge Powers in the Brown case may be fairly regarded as representing the gentile attitude. See note 1 end of chapter.



ing out of the circumstances attendant upon the suppression of polygamous marriages or polygamous living; but that such harsh brutality was resorted to by the federal administrators of the law, "let facts be submitted to a candid world," and that, too, from a document submitted to the congress of the United States. A mass meeting of over two thousand Latter-day Saint women assembled in the Salt Lake theatre, "representing the wives, mothers, sisters and daughters" of the whole Territory of Utah, on March the 6th, 1886, and protested against the course being pursued in the administration of the anti-polygamy laws. An intelligent committee of prominent women, representing all parts of the Territory,<sup>35</sup> was appointed to draft a Memorial and Protest to the President of the United States and both houses of congress, setting forth their grievances and voicing their protests. This memorial was presented in the senate of the United States by Senator Blair, of Missouri, on the 6th of April, 1886. The Memorial recited instances of extra judicial procedure on the part of the courts, the imprisonment of women witnesses for refusing to answer indelicate questions respecting sexual associations with their supposed husbands, when at the same time the courts were holding that the establishment of such relations was not necessary to the proof of unlawful cohabitation.<sup>36</sup>

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35. The names and places of residence follow: Mrs. S. M. Kimball, Mrs. E. S. Taylor, Dr. R. B. Pratt, Mrs. M. I. Horne, Salt Lake City; Mrs. Mary John, Provo; Mrs. Mary Pitchforth, Nephi; Mrs. H. C. Brown, Ogden; Miss Ida I. Cook, Logan; Miss Ida Coombs, Payson.

36. Among a number of other cases the memorial gives the following: "On February 15, 1886, Mrs. Martha J. Cannon was brought into the third district court, and the grand jury complained that she would not answer certain questions, among them the following: "Are you not now a pregnant woman?" "Are you not now with child by your husband, George Q. Cannon?" On still declining to answer the court adjudged her guilty of contempt, and pending sentence she was placed under bonds of \$2,500, which were subsequently raised to \$5,000." It was in this case that one of the sons of Mr. Cannon, a lad of sixteen, incensed at the unnecessary brutality of the prosecuting attorney, Mr. Wm. H. Dickson, struck him twice in the face, this at the Continental hotel where Mr. Dickson made his home. The assault was made by the boy in the presence of his brother, Frank J. Cannon, and a cousin. Neither of these two took any part in the assault, but Mr. Dickson seized upon Frank demanding to know who had struck him, and the other member of the trio was seized from behind and thrown to the floor by friends of Mr. Dickson. The parties were all arrested and the boy who struck the district attorney pleaded guilty to assault and battery in the police court and was fined \$35.00. This he paid and was set at liberty. All three of the young men, however, were charged before a U. S. commissioner with "Conspiracy to murder W. H. Dickson." and the case was made as sensational as possible. Examination before the commissioner made the charge of conspiracy to murder W. H. Dickson" so ridiculous that the words "to murder," etc., were left out of the charge, and they were bound over to





They protested against women being *arrested as witnesses*,—not merely subpoenaed—and taken before courts and placed under bonds. Also they protested against legal wives, contrary to law and the usages of courts for ages, being subjected to the same indignities, and compelled, contrary to law, to testify against their husbands. The introduction of this innovation is thus recited in the women's memorial—and this, be it remembered, before the passage of the Edmunds-Tucker law of 1887, which made the legal husband or wife a competent witness against each other with the consent of the one against whom the testimony was to be given, and then not as to any confidential statement or communication during the marriage relation.<sup>37</sup>

Before the close of the year, *viz.* on the 16th of December, after a long list of outrages, there was added one other still more atrocious—the killing of a very worthy man by an over zealous deputy marshal. The victim was E. M. Dalton of Parowan, Iron county, southern Utah. The Deputy Marshal, one Wm. Thompson. The evidence disclosed the fact that Dalton was unarmed, and was shot down after being haled by the officer, but before he could have made any move either to surrender or flee. The slayer was acquitted; the trial being a mere farcical procedure.<sup>38</sup>

With the segregation principle in practice and the law enforced in the spirit indicated by the above described course, many men, and among them some of the first citizens of the community, went into exile, rather than to submit to so monstrous an administration of the law as obtained in this crusade; and from first to last these amounted to many hundreds.

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appear before the grand jury on the charge of assault alone. The lad Hugh had left out of the way after paying his police court fine for his offence; but the other two were held to trial, which came up in the third district court on the 10th of May. Here Frank J. Cannon assumed the full responsibility for all that was done to Dickson—the case being resolved to one of simple assault—and rejecting the prosecutions offer of a suspension of judgment, was sentenced to three months in the county prison, and a fine, of \$150.00. The severity of the punishment grew out of the court's wrath at the young man's objection to having a suspended judgment hanging over his head. (See *Deseret News—Weekly*—of May 12, 1886). "A childish attempt was made to swell this cheap affair into something of huge importance, and that which in any other place would be classed among the most petty of police cases, has been magnified and dilated beyond the bounds of common sense," *Deseret News—Weekly. Ibid.*

37. See Edmund's-Tucker Law, compiled laws of Utah, 1888, p. 114.

38. An account of the tragedy and of the trial will be found in *Deseret News—Weekly*—of December 22, 1888, and of Jan. 26th, 1887.



Among those who thus evaded the rigors of the crusade were President John Taylor, his counselors, and several of the apostles. President Taylor returned from a rather extended tour of the Latter-day Saint settlements in Arizona and Southern Utah in the latter part of January, and on Sunday the 1st of February, 1885, he delivered an address to the assembled Saints in the Salt Lake Tabernacle, which, as things turned out, was his last appearance in public and his last public discourse. In it he reviewed conditions both in Arizona and Utah with reference to the crusade then being carried on and advised the people to conform to the requirements of the law as far as they could without violence to their consciences, and an adherence to true principles; and to submit even to wrong rather than resort to violence in resisting it. To the question he propounded—"what would you do?" That is in the case of these extra judicial and lawless proceedings.—

"Would you resent these outrages and break the heads of the men engaged in them, and spill their blood? No, avoid them as much as you can. . . . What! won't you submit to the dignity of the law? Well I would if the law would only be a little dignified. But when we see the ermine bedraggled in the mud and mire, and every principle of justice violated, it behooves men to take care of themselves as best they may. That is what I have told people while I have been in the south—to take care of their liberties, to put their trust in the living God, to obey every constitutional law, and to adhere to all correct principles. But when men tamper with your rights and with your liberties, when the cities are full of spies and the lowest, meanest of men are set to watch and dog your footsteps; when little children are set in array against their fathers and mothers and women and children are badgered before courts and made to submit, unprotected, to the gibes of libertines and corrupt men, when wives and husbands are pitted against each other and threatened with pains, penalties, and imprisonment, if they will not disclose that which among all decent people is considered sacred, and which no man of delicacy, whose sensibilities had not been blunted by low associations, would ever ask; when such a condition of affairs exist, it is no longer a land of liberty, and it is certainly no longer a land of equal rights, and we must take care of ourselves as best we may, and avoid being caught in any of their snares. I cannot think that this crusade is aimed entirely at us; from many



circumstances that have transpired, I have been led to believe that whilst we are made the victims, these proceedings are introduced as a political ruse, for the purpose of embarrassing the incoming administration. What would you do? Would you fight them? No, I would take care of myself as best I can, and I would advise my brethren to do the same."<sup>39</sup>

In connection with the reference to embarrassing the incoming national administration, it should be remembered that in the national election held in the preceding November Grover Cleveland had been elected president of the United States, the first Democratic president to be elected since Buchanan in 1856—a period of twenty-eight years. For some years the Mormon question had been a special feature in Republican national platforms, especially since 1874. The platform of 1884 had been particularly pronounced against the Mormon Church, pledging the party to rigid enforcement of the laws against polygamy "by the civil authorities if possible and by the military if need be."<sup>40</sup> On the other hand the Democratic party platform for 1884 had declared that "The selection of federal officers for the Territories should be restricted to citizens previously resident therein";<sup>41</sup> and was silent on the subject of Mormon prosecutions. The difference in the attitude of the two parties naturally suggest the desire of the outgoing administration to embarrass the incoming one, as hinted in the remarks of President Taylor.

The night following the delivery of the discourse quoted above—1st of February, 1885,—President John Taylor and his counselor, George Q. Cannon went into retirement, accompanied by Elder L. John Nuttall as secretary, and Charles H. Wilken as guard and teamster. Joseph F. Smith, because of the special intensity of anti-Mormon feeling against him, had some time previously gone into retirement, and finally went to the Ha-

39. *Deseret News*—Weekly—of Feb. 25, 1885, where the discourse is published in full.

40. See Cooper's American Politics, Bk. II, p. 75.

41. *Id.*, p. 71. The Republican platform of 1884 also favored the appointments to offices in the Territories being made from the citizens and residents of the Territories "wherein they are to serve"; but the platform designated these citizens to be so appointed, to be "*bona fide* citizens"; which meant in this case beyond all doubt, "Gentile" residents and citizens (See Republican platform 1884, in Cooper's American Politics, Bk. II, p. 75).





waiian Islands where he remained several years. Much was made by anti-Mormon agitators over this retirement of the Church Presidency and other leading brethren of the Church, Apostles, Presidents of Stakes, and Bishops; and the changes were rung *ad nauseam* on the passage of the false shepherd who, seeing the wolf coming, leaves the sheep, and the true shepherd who gives his life for the sheep.<sup>42</sup> These men cared nothing for the sheep fold they feigned was deserted, and had nothing to prompt their lamentations but the chagrin they felt at not being able to lay their hands upon the shepherds in question. As a polemic the outcry against the "fleeing shepherds" had no value, as both the Old and the New Testament, are replete with instances where the servants of God, and even the Christ himself, fled from their persecutors, and went into retirement to avoid the edicts of tyrants, then the laws of the countries and of the times in which they wrought their service for mankind.<sup>43</sup>

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42. St. John X, 11-13.

43. The press of the country echoed these "false shepherd" cries of the "Utah Ring" and some sectarian missionary priests of Utah, had charged cowardice. The *San Francisco Post* said: "It is a pretty picture this, of leaders hiding away from hardship and leaving their followers, when they should have been the first to court conviction and the dungeon for their religion's sake." The *Chronicle*, of the same city, said: "This constant hiding, however, places the apostles in a very undignified position, and probably suggests to the skeptical Mormons that there must be something wrong with their religion when it cannot shield its chief exemplars from persecution." The U. S. Judge of the first Judicial district of Utah said: "I have some times thought, when I have reflected upon this matter, that it would have been a peculiar state of affairs for the prophets of old to have been hiding from the consequences of their religion." Neither the papers nor the Judge seemed aware of the fact that they were subjected to the following overwhelming answer:

"Moses is one of the most prominent of Biblical heroes and noted Prophets. Of him it is recorded:

"But Moses fled from the face of Pharaoh, and dwelt in the land of Midian,"—Exodus ii, 16.

"Samuel the Prophet hid himself in Ramah to escape from King Saul, and when he was commanded of God to go to Bethlehem to anoint a new king, he exclaimed:

"How can I go? If Saul hear it he will kill me.—Samuel XVI, 2.

"David the Lord's anointed fled from the face of Saul and hid in the cave of Adullam. On one occasion it is written: "Michael let David down through a window, and he went and fled and escaped." A very undignified thing for David to do. The story of his hiding in various places is told in the 1st Book of Samuel. It is related of Obadiah, the governor of King Ahab's house:

"Now Obadiah feared the Lord greatly, for it was so when Jezebel cut off the prophets of the Lord, that Obadiah took an hundred prophets and hid them by fifty in a cave, and fed them with bread and water."—I Kings XVIII, 3, 4.

Elijah the prophet was entertained by Obadiah when he went to see King Ahab by command of God. But Jezebel made it "so hot for him," seeking for his life, that it is written of Elijah:

"And when he saw that, he arose and went for his life, and came to Beer-



About a year after the retirement of Presidents Taylor and Cannon from public view—they in the mean time directing the affairs of the Church by general epistles to the Saints, by private correspondence and secret meetings with trusted brethren—a bulletin in the form of a hand bill was widely circulated and posted, offering a reward of \$500 for information leading to the arrest of Geo. Q. Cannon.<sup>44</sup> A reward, though less in amount was also offered for the apprehension of President John Taylor.<sup>45</sup>

The reason assigned for singling out Geo. Q. Cannon for this

sheba, and left his servant there, but he himself went a day's journey into the wilderness."—I Kings XIX, 3, 4.

"Joseph, the reputed father of Jesus, fled into Egypt with the child and His mother, and hid there until Herod the murderous ruler was dead. The Saviour Himself several times slipped through the crowd and retired to a mountain or some vessel where he could be secured, and was in hiding with His disciples watching while He prayed, when betrayed by Judas Iscariot for a reward. Saul of Tarsus, afterwards Paul, the great Apostle to the Gentiles, when the Jews sought his life, was hidden by the disciples, and they "took him by night and let him down by the wall in a basket."—Acts IX, 25. (Quoted in *Deseret News*—Weekly—of March 17, 1886). A much more extended list of such cases will be found in same publication, supplied by a correspondent—Impression of April 21, 1886, p. 222-3.

44. The following is an exact copy as it appeared in the *Daily Salt Lake Tribune* of Feb. 9th, 1886:

reward \$500.00.

LOVE AND V.

"I will pay the above reward to any person for information leading to the arrest of Geo. Q. Cannon against whom an indictment is now pending in the Third District of Utah. The names of any persons giving information will be held in strict confidence.

E. A. Ireland,  
U. S. Marshall.

Salt Lake City, Feb. 8th, 1886."

As a sample of the spirit in which things were discussed during these years, an excerpt from a *Deseret News*—Editorial is given under the caption—

DETAILS OF THE REWARD.

#### "A CHEAP JUDAS WANTED."

"The price set upon the head of President Cannon is offered as a bait to some wretched traitor, who, it is hoped, will betray a man of God for a few greenbacks. It is a little more than the noted thirty pieces of silver. Where is the apostate cheap Judas? If such a creature can be found, it is to be hoped that when he has played the role of the ancient, sordid son of perdition, he will not fail to carry out the parallel to the bitter end—the end of a good stout rope and a short cut disemboweled, to the infernal regions."

Of course the provocation, and the sense of outraged justice from the standpoint of the editorial writer must be kept in mind when considering the severity of such utterances.

45. See reference to the matter in signed announcement of President Taylor's death by Geo. Q. Cannon and Joseph F. Smith. *Mill. Star*, Vol. XLIX, pp. 524-526. It was thought at the time that the offering of a less amount for the arrest of President Taylor than for the arrest of Geo. Q. Cannon, his counselor, was, if possible, to make President Taylor appear depreciated, and despicable; the petty action simply revealed the bitterness and the littleness of those directing this anti-Mormon crusade.



special assault was, first, that he was the "active Presidency of the Mormon Church;" this on account of the absence of Joseph F. Smith in the Hawaiian Islands and the great age—seventy-eight—or President John Taylor; second, the anti-Mormons conceded to George Q. Cannon great abilities of leadership, proclaimed him to be the "power behind the throne," and attributed to his influence the successful thwarting of their purposes, and the continuance of the resistance to the Gentile regime.<sup>46</sup> Of course, in all his activities Elder Cannon but followed the directions of his chief, and represented him. It was merely the force of circumstances—the great age of President Taylor and the prolonged absence of his fellow counselor, Joseph F. Smith, which placed upon him the duty of larger activity than would have fallen to him under normal conditions.

The reward of \$500.00 was posted immediately after an unsuccessful raid upon the farm home of Mr. Cannon on Sunday the 7th of February, by the U. S. Marshal and five deputies, at which time a number of witnesses were placed under bonds ranging from \$500 to \$2,000, to appear when wanted.<sup>47</sup> No sooner was the reward of \$500.00 made than it increased the activities of the horde of deputy marshals in Salt Lake City and vicinity.

In view of this determination to capture Elder Cannon it was considered prudent to have him leave the Territory; and as there was some unfinished business to close up connected with the Church land purchases in Mexico for places of refuge for those who felt themselves persecuted in the United States—"the asylum of the oppressed (!)"—he was appointed to attend to that business. Accordingly in company with Elder Erastus Snow, of the Council of the Twelve, and Samuel H. Hill and Orson P. Arnold, he started upon this mission, intending to go to Mexico *via* San Francisco. While passing through Nevada, however, Elder Cannon was placed under arrest at Humbolt Station, mid

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46. "It was within his [George Q. Cannon's] power," said the Salt Lake *Tribune*, defending the action of U. S. Marshal Ireland in offering the reward of \$500 for information leading to the arrest of Mr. Cannon—"It was within his power to have stopped all this trouble (i. e. the judicial crusade then going on); it was he who whipped the people into their present fury to defy the laws. Surely the country ought to know the fact that the United States officers here are doing their full duty and in a most capable manner." (*Impression of Feb. 14, 1886*).

47. See *Deseret News*—Weekly—of Feb. 10, 1886.





way through the state of Nevada—by Sheriff F. M. Fellows, of Nevada, who had been advised of four men boarding a sleeper outside of Ogden, one of whom was suspected to be Mr. Cannon. The sheriff had some difficulty in identifying the man he sought, but finally satisfied himself and made the arrest.

It was charged that one of the Cannon party tried to bribe Sheriff Fellows by offering him a thousand dollars to allow the prisoner to continue his westward journey; the sheriff declared that he refused that sum, and even a large offer.<sup>48</sup>

United States Marshal Ireland immediately went to Nevada and took charge of the prisoner, at Winnemucca, to which point he had been brought by the Nevada officer. The question of bail was considered but the marshal demanded the sum of \$10,000 for bail, which the prisoner refused to consider,<sup>49</sup> being excessive for bail when the charge was only misdemeanor, punishable by the law with but six months imprisonment, and \$300 fine. The prisoner consented to return to Utah without giving the Marshal the trouble of suing out extradition papers.<sup>50</sup>

On the return journey—16th of February—when near Promontory station, about fifty miles northwest from Ogden, Mr. Cannon in the early morning—scarcely day-light—stepping to the rear platform of the train to get relief from the stuffiness of the sleeping car—claims that by a sudden lurch of the car he lost his balance and fell from the train<sup>51</sup>—said to be going at a speed of about twelve miles an hour.

The officers soon missed their prisoner, and thoroughly searched the train. Believing of course that he had left it in an

48. See Salt Lake Daily *Tribune*, impressions of Feb. 16th and 18th, 1886.

49. Mr. Byron Groo, of the Salt Lake *Herald* received the following dispatch: "George Q. Cannon arrested. No bail granted." *Deseret News—Weekly*—of Feb. 24, 1886.

50. Dispatch of Marshal Ireland to U. S. Prosecuting Attorney W. H. Dickson: "Cannon consents to come without papers, will start in a few minutes." (*Ibid.*)

51. A telegram from Mr. Frank Cannon, who hastened to his father as soon as he heard of his arrest and joining him soon after the Elder Cannon had been found walking along the track sent the following telegraphic message to his brother:

Promontory 2.26 p. m.

Feb. 16, 1886.

Father slipped accidentally from the train at the Promontory and is badly bruised. Inform the folks but don't alarm them.

Signed F. J. Cannon. (*Deseret News—Weekly*—Feb. 24, 1886, p. 81.)



attempt to escape,<sup>52</sup> the train was stopped and one of the deputy Marshals--Greenman--was sent back to find the prisoner, while Marshal Ireland went forward to the next station from which he hoped to secure an engine to make the run back to find his prisoner. Deputy Greenman had found Mr. Cannon "wandering listlessly around near where he had fallen, apparently in a dazed condition from the effect of his injuries, his overcoat badly torn and all his clothing covered with blood."<sup>53</sup> From Blue Creek station, ten miles east of Promontory, Marshal Ireland obtained an engine and returned to Promontory where he found Mr. Cannon badly bruised, in a critical condition and being cared for by Deputy Greenman.

Naturally all this reported by fragments to the public occasioned deep concern in the community, rising at times to something akin to excitement, but it was anxiety, rather than anger that occasioned it.

Arrangements were quietly made in Salt Lake City by U. S. officials for a special train to go out to Promontory, for the prisoner and his captors. In nearly all the experiences of the Latter-day Saints there has ever been an itching desire to employ the military power against them. It was so in Missouri, it was so in the Illinois troubles, it has been repeatedly so in their Utah experiences, as abundantly disclosed in these pages. And so now.

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52. Of course the U. S. officers quite generally scoffed at the idea of Mr. Cannon having "fallen" from the train, and believed that the prisoner had made a mad attempt to escape. A brakeman had seen the prisoner standing on the platform, "and his opinion was that he had jumped off (*Deseret News*—Weekly—of Feb. 24th, 1886). In the Salt Lake *Tribune* was alleged that "a carriage and a span of grey horses had been seen in the vicinity of Promintory station, supposedly in readiness to convey Mr. Cannon to some place of safty. No evidence, however was ever produced respecting the real existence of such a team. It was further cited that when Mr. Cannon was found by deputy Greenman he had in the pocket of his overcoat some bread and a small bottle of water. The fact is admitted, but the explanation is made that Mr. Cannon had asked Mr. Arnold of his party when the return journey was about to begin to purchase for him some bread, that he might have something to eat *enroute* without having to go out of the car to the eating stations then in vogue, it being before the advent of the dining car in the west, and the prisoner desired to avoid the idle curiosity of the crowds at the eating stations. The half-pint flask of water he had used in taking frequent doses of medicine made necessary on account of the prisoner having suffered from diabetes for some weeks, and had frequently filled the flask with water for that purpose in the presence of Marshal Ireland (*Deseret News*—Weekly—of Feb. 24, 1886, p. 89). Besides it was urged by his friends that had he purposed an attempt at escape, there were many places more advantageous known to him on the road than "jumping off in a desert country, where there was no possibility of help."

53. *Ibid.*



Without the slightest reason for such an action<sup>54</sup> Deputy Marshal Vandercook in charge of the force of deputies in the absence of Marshal Ireland, made such representations of the "threatening situation" to Gen. McCook in command of the garrison at Fort Douglas, that he secured the detail of twenty-seven men of company K, sixth infantry, under command of Captain Penney and Lieutenant Shaw, to act as a special guard for the expedition to bring in the single prisoner already in the hands of the U. S. Marshal<sup>55</sup> and his deputies.

On the arrival of the special train at Promontory—about 10.30 p. m. of the 16th of February—the question of the fitness of the prison for removal came up. Indeed it had been considered earlier in the day, for some overzealous federal officers at Ogden had urged that an engine be sent to Promontory and Mr. Cannon brought in by it at once. This Marshal Ireland declared would be infamous since Mr. Cannon was in a critical condition, and said to the attendants of the prisoner that if they would guarantee his safety to Salt Lake, he should not be moved until the next morning. On the arrival of the special train with its military escort, however, a demand was made for an immediate start for Salt Lake. The clamor was so insistent for this that Marshal Ireland was reminded of his promise made earlier in the day. Two physicians had arrived at Promontory, one from Ogden, telegraphed for by Mr. Cannon's friends, D. Carnahan,

54. Excitement among the people existed of course, it could not be otherwise, all the conditions considered. But that there was anything that took on the slightest indication of physical resistance to the law or its officers, is here emphatically denied. Even the organ of the "Anti-Mormon Ringites," the *Salt Lake Tribune*, in its account of Deputy Marshal Vandercook's application to Gen. McCook for a military force can cite no case of violence, or of any preparation for violence, it is all hypothetical phraseology in which the application is justified. It is "in view of the signs of turbulence and the rage exhibited by many of the brethren, which seemed likely at any moment to break out into violence" (*Salt Lake Tribune*, 17th of Feb., 1886), that application was made to the military power to bring in the prisoner. No act of violence, no act of organization looking to preparation for violence, could be cited in justification of the appeal to the military power. It was an appeal of a coterie of men then representing the federal government in Utah, first to please their petty vanity and increase their seeming importance and power; and, second, to awe the people into submission to their regime, and for purposes further on to be developed in this chapter. The *Deseret News* referring to it editorially said: "That there was not the slightest necessity for such a movement is well known to all men. That it was done for effect at a distance is thoroughly understood. It was a cheap . . . bit of clap-trap, worthy only of the gang of conspirators that are engaged in brewing trouble for Utah to effect their own selfish ends." (*Impression—Weekly*—of Feb. 24th, 1886, p. 88).

55. See *Salt Lake Tribune*, Daily—of 17th Feb., 1886.





and one had accompanied the troops, Dr. Potter. Marshal Ireland replied to those who reminded him of his promise not to start until the next day that it depended upon what the physicians said of the prisoner's condition as to what would be done. It was finally decided to start at 4 on the morning of the 15th. When starting a very unusual thing occurred. Marshal Ireland representing the civil authority abdicated his functions as the officer in charge of the prisoner, and turned over the whole train into the absolute control of the United States military authority represented by Captain Penney and Lieutenant Shaw and the squad of soldiers that had been detailed as a guard to the expedition to bring in Mr. Cannon. "All persons," said the *Salt Lake Tribune's* account "except the officers and Frank J. Cannon, were excluded from the car in which the prisoner was confined and marched into the other coach at each end of which a sargent was stationed with orders to permit no one to enter or leave the car. Six soldiers then filed into the apartment in which Mr. Cannon was lying and were stationed around him."<sup>56</sup> On seeing this military display the prisoner asked Marshal Ireland "if the military power had taken precedence over the civil," but to this inquiry received no satisfactory answer."<sup>57</sup> Thereafter any questions that were asked respecting the journey, or the coming or going from one car to the other as well as the presence of newspaper reporters were referred to Captain Penney.

56. *Salt Lake Tribune*—Daily—of 18th of Feb., 1886.

57. *Deseret News*—Weekly—of Feb. 24, 1886, p. 87. The scene in the car upon the military taking possession of it was thus gloatingly described and commented upon by the *S. L. Tribune's* account of the incident: "The scene in his (Cannon's) car was most dramatic and suggestive, and could it have been witnessed by the ranting leaders of the Church who are endeavoring to emulate their captured chief, would have afforded them food for reflection for many days to come. The trembling, moaning, disfigured object, whose terrified gaze met nothing but grim soldiers and loaded muskets, was the man who under the cloak of religion, for years had defied the laws of his country and has claimed to exercise greater authority than the government those soldiers represented. It was a picture that should have been impressed on the mind of every blind bigot and roaring fanatic of the Mormon Church." (*S. L. Tribune*, impression of 18th, Feb. 1886). Malice, and despicable hate, could not go beyond this in gloating over a fallen opponent. Commenting upon the offer of a reward for information leading to the arrest of President Cannon, and the whole course of conduct then followed by the federal officers the *Deseret News* said:

"Oh! these are splendid evidences of the 'Christian' spirit in which the present prosecutions are carried on against the 'Mormons'! And are they not likely to impress the people assailed, with the righteousness of the cause which justifies such outrages as are continually taking place under the name of law and in the pretended interests of social order?" (*Deseret News*—Weekly—of Feb. 17, 1886, p. 71).



Mr. Ireland seems to have been a very timid man for on the 16th, before the arrival of the special train and the troops, he expressed fear that there would be demonstration and perhaps violence on the prisoner arriving at Ogden, and claimed to have received word to that effect. Whereupon Mr. Cannon sent the following dispatch to Richard J. Taylor, son of President Taylor, and a prominent citizen of Ogden:

Promontory: Feb. 16th.

R. J. Taylor: Marshal Ireland is apprised that there is danger of tumult in Ogden. This would be bad. Will arrive tomorrow morning.

(Signed) GEO. Q. CANNON.

At Promontory President Cannon received the following dispatch.

Ogden, Feb. 16th, 1886.

President Geo. Q. Cannon:

Everything quiet in Ogden. Tell Marshall Ireland there is no danger of any tumult here.

(Signed) L. W. SHURTLIFF,

but is provided for by R. J. TAYLOR.<sup>58</sup>

Mr. Shurtliff was president of the Weber Stake of Zion in which Ogden is located, and had signed the dispatch with Mr. Taylor no doubt, to make the assurance of the peace status at Ogden doubly sure.

The journey to Salt Lake City was made without accident. Arrived at the depot the soldiers filed along the platform as if there was apprehension of danger. It was an unnecessary precaution as none of Mr. Cannon's friends contemplated any resistance to the law or its officers. The prisoner was taken immediately before the third district court and gave, first a bond of \$25,000 to appear in the case against him for unlawful cohabitation; then two more warrants—in pursuance of the segregation policy of the prosecution, naming different dates on which the same offense was committed were produced, on which the prisoner was required to give bail in the sum of \$10,000 in each case, making the total bail required for the offense of unlawful cohabitation \$45,000—for a misdemeanor, so named in

<sup>58</sup>. Both dispatches will be found in *Deseret News—Weekly*—of Feb. 24th, 1886.



the law creating it, the Edmunds law, section 3, the extreme penalty for which was six months imprisonment, and a fine of \$300!

It was in the United States of America, in the closing decades of the 19th century that such scenes as are here described occurred, and in which such a policy was pursued. Of course it is but fair to say that those conducting this crusade claimed to be guided by the purest patriotism, by the most disinterested motives. It was not their purpose to persecute anybody! Far from it. They sought only to protect the monogamous home, the bulwark of the national life, the chief corner stone of the Republic; they only desired to see the national law submitted to as supreme, "that the full sovereignty of the Republic should be vindicated and re-established." "There is no vindictiveness in this crusade," said the *Salt Lake Tribune*, "though a great deal has been charged. There is no wish that any Mormon shall be injured in person or property, the skulking charge that a sinister motive is behind the demand that the laws shall be supreme is but the gibberish of knaves and fools, but the determination that this business shall stop is growing more and more fixed daily."<sup>59</sup>

Later the same organ said:

"They (the Mormon polygamists) ought, like sensible people, to remember that there is no desire on the part of any here or elsewhere to harm them one penny's worth in property; there is no desire for benefits through any misfortune to them; there is no wish to persecute them; but there is a fixed determination that they shall obey the laws of the country, and so the machinery of the courts are [is] set in motion against them for the same purpose and in the same spirit that the men of the North a quarter of a century ago were organized into armies and moved against the South. It was not for plunder; it was not for vengeance; it was simply that the laws of the Republic should be enforced and that the full sovereignty of the Republic should be vindicated and re-established."<sup>60</sup>

These passages, I think, state the case of the crusaders, as they would desire to appear in history. Yet it is difficult to believe that all this disinterestedness, all this patriotism, all these lofty ideals were without some alloy. Such idealism,—such

59. *Salt Lake Tribune*, of Feb. 12, 1886.

60. *Daily Salt Lake Tribune*, of Feb. 16th, 1886.





saintly sweetness, in fact, this hungering and thirsting for the establishment of the righteousness of Mormon life—is a little incompatible with the character of the men engaged in the crusade. While not in any way inclined to answer with railing, or charge with counter charge, yet the truth cannot be blinked that if from first to last a list were to be made out of the names of the would-be reformers of the Mormon people, and their characters were exposed, so that they stood fully and fairly revealed, it would be no flattery to the civilization, to the patriotism, to the Christian morality they claimed to represent in contradistinction to the supposedly different civilization, patriotism, and Christian morality of the Latter-day Saints.

The coterie of men who plotted against the peace of the Latter-day Saints, and sought through these later years to destroy the last vestige of local self government, in the name of sex morality, and preserving the purity of the American home, were, in many cases, and it is safe to say in the majority of cases, not exemplars of that chastity they in this struggle affected, nor, indeed, of a character in their daily walk and conversation that gave any confidence that they had any really deep concern about the purity of the American or any other home.<sup>61</sup> Honorable individual exceptions to this arraignment of the anti-Mormon crusaders are cheerfully and gladly conceded; but they are exceptions. For the rest, the indictment for hypocrisy, sex immorality, indifference to the purity of the home, on the part of the crusaders, stands. Their concern about the alleged evils of polygamy was mere pretense.

The real cause of this anti-Mormon crusade was a fight for the political control of Utah on the part of the crusaders. Their souls were vexed with the thought that although they held the chief places in the executive and judicial departments of the

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61. "It is firmly believed by many that plural marriage is the cause of our persecutions," wrote President Joseph F. Smith, March 10th, 1886, "and if abandoned by us, we would have no cause to fear any further persecutions. The present crusade is not a struggle against plural marriage alone, nor in the interest of morality. Quite the reverse. It represents a despotism of the most grinding character, for the destruction of every vestige of local self-government. And it works by falsehood, fraud, trickery, usurpation, and tyranny, while its battle cry against 'polygamy' is created to deceive, and repeated and echoed to mislead. 'It is simply a *ruse de guerre* to hide the brutal villainy and outrageous hypocrisy of the whole infamous plot.'" Letter to *Deseret News—Weekly*—of March 31, 1886, p. 168).



Territorial government, by appointment of the President of the United States, they and their factotum following had no voice in the legislative department, no control of the people's treasury, they could not hope under existing conditions to be elected to the local offices still within the gift of the people, of which there were between two and three thousand; and they were not the leaders in local community thought and power. From the first the federal appointees, with a very few honorable exceptions, made war upon the Latter-day Saints—the people of Utah, constituting an overwhelming majority of the people of the Territory—about eighty *per cent* in the period under consideration.<sup>62</sup>

By saying that the federal appointees made “war” upon the Latter-day Saints, is meant that they made war upon their marriage institution, which to them was sacred and part of their religion.<sup>63</sup> They also bitterly assailed their leaders, denouncing

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62. In its report to the Secretary of the Interior the Utah commission said: “The present population (i. e. of Utah) is estimated at 160,000, about four-fifths being Mormon.” (Report of Utah Commission, of April 29th, 1884. Transmitted to Congress by Pres. Arthur May 6th, 1884. 48th Congress, 1st Sess. Ex. Doc. No. 153). The Utah legislatures two years later stated the population to be 85 *per cent*. Mormon and 15 *per cent*. Gentile; and seven-tenths of the voters to be Mormon and three-tenths’ Gentile. (See Utah Legislature’s Memorial to Congress, Congressional Record 19th of April, 1886). In this connection is set down a compilation of Utah statistics made from the census of 1880, by Utah’s delegate in congress and used by him in a speech against the Edmund’s Tucker bill, that is instructive and disproves the claims so persistently made by Anti-Mormons to the effect that Utah’s population, chiefly Mormon, as shown above was foreign born: “Another unfounded slander spread abroad most industriously by our enemies is the charge that the population of Utah is largely made up of foreigners, who are ignorant and unfit to be citizens of the United States. What do the statistics prove? According to the census of 1880 the total population of Utah was 143,963. Of this number 74,509 were males, and 69,454 females—the males outnumbering the females by 5,045. Of the total population 99,969 were native born, and only 43,994 foreign born. There were 52,189 native born females and 44,780 native born males; and the foreign born males were 22,320, and the foreign born females 21,647. While the proportion of the foreign born population of Idaho is 44,062 to 100,000; of Wisconsin, 44,548; California, 51,217; Minnesota, 52,168; Dakota, 62,117; Arizona, 65,798; Nevada, 70,065; in Utah it is only 44,062.” (See Congressional Record for 13th Jan., 1887—House Proceedings). On the same occasion the delegate from Utah pointed out the fact that of all the states and Territories in the Union there were but “thirteen showing a lower percentage (i. e. than Utah) of total population who could not read.” Connecticut having the same at Utah, 3.37 *per cent*” (Id.).

63. This many times and in various forms has been asserted in these pages, but one more assertion of it, not from a Mormon source but from a Gentile one, is singularly impressive—from the Utah Commission:

“Among the orthodox Mormons of Utah polygamy is a part of their religious faith, and while but a small percentage of the whole adult Mormon population have actually entered into the polygamic relation, yet all the faithful believe in it as a divine revelation. The Mormons believe in the Old Testament, the New Testament, and a great deal besides, namely, the Book of Mormon, and divers so-called revelations claimed to have been received by the Prophet, Joseph Smith, and his suc-



them as false prophets, impostors, depraved, selfish, unpatriotic, un-American, parasites, thieves, preying upon the industry of the people. The people the crusaders represented quite generally to be ignorant, superstitious, slavish; completely dominated by their religious leaders<sup>64</sup> and therefore unfit for the rights and immunities of American citizenship. The proof of all this is supplied by the pages of this History dealing with the progressive record of this controversy, and by the fact that in these last stages of the controversy the crusaders were seeking for the universal political disfranchisement of the Mormon people, and the utter destruction of the local government of Utah Territory by the substitution for it of a legislative commission form of government, with all the local offices heretofore elected by the people—or appointed by agencies created by them—made appointive, from which, of course, all Mormons would be excluded.<sup>65</sup>

In the presence of such an issue as this what was left for the Latter-day Saint community to do? They must either contend for

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cessors, Brigham Young and John Taylor, which are mostly printed in their Book of Doctrine and Covenants. Among these so-called revelations is one in favor of plurality of wives."

64. The current brutal form in which this was expressed was refined by the Utah commission to this in their report of 24th Sept., 1886: "Their Church organization and Ecclesiastical polity are marvels of skill and ability. Their leaders are fertile in resources, while the mass of the people are fanatical and superstitious to a degree that has seldom been witnessed in modern times." Utah Commission Report, *Deseret News—Weekly*—of Oct. 27, 1886.

65. The facts here are too patent from all that has gone before in this History to need special citation of authority, yet by way of summary see the usurpations of Governor Eli H. Murray in the attempt to appoint many, in fact most, of these officers under the Hoar amendment to the Edmund's law of 1882; and his repeated recommendations of the commission form of government, with the enlargement of the appointing power of the governor or the President. See also the repeated recommendations of the Utah commission in its Reports to the department of the Interior, recommending that the U. S. commissioners be given concurrent jurisdiction with justices of the peace, in matters civil and criminal"; also suggesting that the law give power to the governor or district judges to appoint "certain Territorial and county offices which are now elective." (Report of Utah Commission of April 29th, 1884. Also their approval of the Edmunds-Tucker bill, making the county probate judges and school commissioner appointive. Report of Sept. 24, 1886. (*Deseret News—Weekly*—of Oct. 27, 1886, p. 655). Governor West also in his Report to the Secretary of the Interior of October, 1886, recommended the same legislation, and called attention to the fact that a long list of officers which the then pending legislation would make appointive had been filled by the recent August election, and their terms were for two years. "If the bill," said the Governor—Edmunds-Tucker bill "is to become a law—as it should at the coming session of congress—it ought to provide for vacating the offices, that they may be filled (by appointment) in accordance with its provisions." See report in full, *Deseret News—Weekly*—of Oct. 27, 1886, pp. 642-3.





their rights or surrender them. By surrendering them they would have proved themselves possessed of the slavish nature charged against them by the crusaders, which neither then nor since has been acknowledged by the rank and file of the Latter-day Saints, any more than by their leaders. Such obedience as they gave to the counsel of their leaders was the act of free men moved by conviction that the thing required, the policy outlined, was for the best good of all. With a brave, strong people there was but one thing to do in the issue forced upon them, by the crusaders, and that was to contend for the full measure of their rights. This both people and leaders resolved upon, and hence the fight for the political control of Utah. On the part of the people it was their objective to keep as large as possible the sphere of local self-government—extend it if possible—and administer the government by officers elected by the people, or appointed by agencies created by the people's legislature. In this policy the people of Utah and their leaders were united. The solidarity of the Latter-day Saint community was not the result, as claimed by their opponents, of priestly domination. It resulted from a common understanding of the situation. It was the only thing for them to do in a struggle for the maintenance of their political rights—a veritable struggle for community existence.

On the part of the crusaders the objective was to enlarge the federal authority, to increase the sphere of its control of things political by enlarging the scope of authority and increasing the number of the federal appointees; and finally, also, to abolish, if possible, the local government altogether, and institute new forms of government rooted in arbitrary power, and giving as bloom and fruitage the monarchical spirit rather than the spirit of Americanism, strong in its confidence in the ability of the people for self government, and the inherent power of self correction of evils that ever accompanys the idea of ability for self government. The Latter-day Saints—practically the people of Utah—had the advantage of community solidarity, what they called, when it was touched by religious fervor, the unity of the Saints. The anti-Mormon crusaders had the advantage of an appeal to the national prejudice against religious heresy, espec-



ially when the heresy took on the character of what they were made to believe was a menace to the American home. Also the crusaders affected with great success the roll of patriots struggling for the preservation of the very fundamentals of the Republic. For the most part they were excellent examples of Dr. Johnson's declaration that patriotism is the last refuge of scoundrels.<sup>66</sup> Be it understood that I am dealing with the crusaders here not with the majority of the non-Mormon population of Utah or Idaho or of Arizona; but with that active minority of non-Mormons, both politicians and such of the sectarian priests as joined with them in this crusade.<sup>67</sup> It has already been said

66. Life of Johnson (Boswell), ch. IX. The language of the text may be regarded as severe, especially in view of the changed conditions existing in Utah in this year of grace 1915—nearly thirty years removed from the period of bitterness and injustice under consideration. But in the text I am treating of the decade of 1882-1892, portraying the spirit of those times with such fidelity to truth as I may possess. It matters not that there has been a change wrought with the passing years, a better understanding had on the part of individuals on both sides of the controversy discussed in the text, as well with the many that are now dead, and the few that are still living. But I am concerned at this point of my work with the events and the spirit of 1886-7, and fidelity to the truth of History requires no less than the statement of the text. The actions of men, like the facts of events, are peculiarly alike in this, that they admit of no denial in History. Let regret, and repentance do what they may, the acts of men remain of record—

"The Moving Finger writes; and, having writ,  
Moves on: nor all your Piety nor Wit  
Shall lure it back to cancel half a Line,  
Nor all your Tears wash out a Word of it."

That is what is meant when men speak of the inexorableness of History. "History will vindicate us," say the men confident of the rectitude of their own intentions, desires, or ambitions; so, too, men may be assured History will condemn them when their aims, and ambitions are unholy and vicious. Before the bar of History as before the bar of God the actions of men will lie in their true light, and they themselves "in the very teeth and forehead of their faults must give in evidence."

67. At a sort of a Presbyterian convocation of ministers and school teachers in the mission service of that Church in Utah, held early in April, 1886, resolutions were adopted by that body respecting a Washington, D. C., dispatch to the effect that no further legislation was needed for Utah because of the work which the Churches and schools were accomplishing. Respecting this the convocation recommended—"First, that this statement be declared unwarranted by the facts and calculated to do great mischief. Second, That while the Christian churches and schools are doing a most salutary work, which is increasing in power every year, there is still great need of radical legislation by Congress." (*Deseret News*—Weekly—of April 7th, 1886, p. 184). At this convocation there were eighteen ministers chiefly from Utah, but some were from Wyoming and Nebraska; there were also sixteen teacher in attendance all engaged in the work in Utah.

About this time also Bishop Tuttle of the Episcopal Church, who before and afterwards said many kind words for the Mormon people, now went over to the radicals and said concerning polygamous Mormons—"make it hot and still hotter for them until they are forced to yield to our demands" (Ibid of April 14, p. 207). As early as 1882 the Bishop of Utah and Idaho joined with seven other prominent

The first of these was the establishment of the first public school in the city, in 1630. This was the first of a long series of schools which have since been founded in the city, and which have been the means of educating the children of the city, and of raising the level of the city's education.

### THE FIRST SCHOOL

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As early as 1630 the Bishop of Litch and John Jones were sent with a group of

that the affected concern of the crusaders about sex-morality and the preservation of the purity of the American home was mere pretense. As Mr. Caine, Utah's delegate in congress said upon the floor of the national house of representatives, when speaking against the passage of the Edmunds-Tucker bill—

"It is our ecclesiastical and not our moral polity that is aimed at—that is sought to be overthrown. The men who are here from Utah, clamoring for the disfranchisement of the Mormon people, who insist that every office within the Territory shall be vacated and filled by appointees, that even our selectmen, who make the assessments of property, and the tax collectors shall give way to non-Mormons, are not afraid of the contamination of their own or their families' morals. They know as all the world knows, that a purer, more orderly, upright, God-fearing and God-serving community does not exist upon the earth than the exclusively Mormon settlements of Utah. It is simply because the minority cannot, under a democratic American form of local government, rule the majority that these men are here clamoring for our disfranchisement."<sup>68</sup>

This crusade, then, in the light of the facts here considered, was an effort to depose the Mormon leaders, a condition precedent to the installation of the coterie of crusaders into leadership. After taking a course which necessarily drove the Latter-day Saints into a close union, and to solid support of their

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sectarian priests, R. G. McNiece, D. L. Leonard, L. A. Rudsill, J. M. Coyner, G. D. B. Miller, E. Benner, and T. B. Hilton in issuing an address "*To the Patriotic citizens of America*," in which this statement occurs: "While it was true that a large proportion of the adult population are of foreign birth, and are generally ignorant and unlearned (See note 64 this chapter) in regard to those things that fit them to be intelligent citizens of a free government; it is also true, as we believe, that under proper training they would in time become liberty-loving, patriotic citizens, as they are now industrious and economical. But they are so controlled by the Mormon leaders that until this power is broken by some means, there is no hope that Utah will ever be in harmony with the rest of the Union. We fully believe that the welfare of Utah, as well as that of the Nation, demands that the political power of the Mormon hierarchy be at once effectively and permanently broken." The best means of doing this they proposed to leave to statesmen. (Hand Book of Mormonism, Coyner—1882—last page but one.

68. Congressional Record of 13th Jan., 1887, House proceedings. Also *Deseret News* of Feb. 2, 1887, p. 36-7. The speaker a little later said: "I tell you Mr. Speaker, I tell you solemnly, that in the United States, in the whole world, there is no people more loyal to the eternal truths of liberty, as expressed in the Constitution of this country, than my constituents; and there will come a time, a time when the mists which now befog the understanding of the American people and its legislators, when the refuge of lies erected by characterless charlatans shall have been swept away—there will come such a time, when my words will stand forth marked clear and bold and untarnished as their truth justifies." (*Ibid.*)





leaders in a struggle for the full measure of their rights, both as religionists and citizens of the Republic, a struggle for their very community existence—then this solidarity is declared to be a menace to free government, and must be given up by the Latter-day Saints or dire consequences are to follow. Some times these consequences were presented in very threatening terms of a most aggravating form by the organ of the crusaders, as witness the following in an editorial page:

“The Pope of Utah [i. e. referring to President John Taylor] should in his underground retreat, read thoughtfully one sentence in the late letter of the Pope of Rome to the Spanish bishops. It is this: ‘I would strongly impress upon you that, although politics are based upon religion, you must not engage in politics.’ When the Pope of Utah sends a message like that out to the shepherds of his flock, the troubles here will nearly all pass away. The interfering with politics in Illinois is what cost Joseph Smith his life; the anger which is caused by all the thousands of Mormons in Utah voting solidly as directed, will never cease until that rule shall be relinquished. It is a menace to free government which Americans will never submit to. When it grows dangerous enough, if no other remedy can be found, *the one resorted to in Illinois will be invoked again.*”<sup>69</sup>

As the “remedy” resorted to in Illinois was the assassination of some of the Church leaders and the expatriation of the Latter-day Saints as a body, the threat of the anti-Mormon organ, was decidedly vicious.

A little before this, about the time of George Q. Cannon’s arrest, the *Tribune* manifested both its desire and its willingness to get rid of the Mormon leaders in another way, that of withdrawal to some other country. Some rumor evidently had reached the crusaders of the purchase of lands by the Church in Mexico, and Canada, about this time, for colonization purposes, and what they heard brought forth this gleeful suggestion through the anti-Mormon organ:

“It seems to be generally understood that the polygamists here who are bound to continue the practice are quietly prepar-

<sup>69</sup> Salt Lake Daily *Tribune* of June 3rd, 1886; and *Deseret News*—Weekly—of June 9, 1886.



ing to make a home in a foreign country. If this is really the fact, why would it not be better for the chiefs to communicate the fact? If it really has been determined to seek rest under another government, why not let it be known at least to the authorities? We do not know the fact, but judging by the sentiments which we think govern, *we believe that a truce of six months might be agreed upon in which prosecutions would cease if the chiefs of the organization would but say it was their intention to leave the country with such of their people as were determined not to obey the laws. On the same ground we believe that those in prison might be pardoned out.*"

Then after saying that the determination that plural marriage shall stop is growing more and more fixed daily, this follows:

"If the chiefs realize this and have determined that a movement of the 'keys' from Zion is necessary, we are sure, if they will but make that purpose known, every advantage will be offered them to carry out the laudable undertaking. If this really is the arrangement why is not a hint given to the present legislature (then in session) to pass the necessary laws to make this region to conform to other portions of the Republic. They could be made to take effect six or eight months after their approval. This would stop all the trouble and there would not, we presume, be any vetoes interposed to harrow up the souls of the Saints. If the arrangements had not been quite perfected, would it not be the wise thing to perfect it? What hope is there for the chiefs? Do they expect to continue indefinitely as they now are? Do they expect to spend the rest of their lives either skulking and hiding or in prison? *Do they expect to keep their people in apprehension and despair until the law finally attacks their property and leaves them penniless?* What hope have they in persisting in remaining here and defying the laws."<sup>70</sup>

This was before the arrest of George Q. Cannon in February. After his arrest and return to Salt Lake City the *Tribune* took up again the matter of the withdrawal of the leaders from Utah to some other country, much in the same spirit as in the above paragraph. "If on their own account" says the Editorial, "they are unwilling to do this, they ought for the sake of the peace

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<sup>70</sup>. Salt Lake Daily *Tribune* of Feb. 12, 1886. Italics are mine—the lines so written indicate the trend of the thoughts of the crusaders.



and prosperity of their brothers in the faith, to do it.'"<sup>71</sup> In all this the reader may see the deep anxiety of the crusaders for the departure of the leaders of the Church of the Latter-day Saints, that Utah might be left a world for them to bustle in as leaders.

Notwithstanding the federal courts of Utah were sending men to prison daily and with little ceremony, so easily were convictions to be had under the then interpretations and administration of the law;—

Notwithstanding the rule was in unlawful cohabitation cases for the extreme penalty of fine and imprisonment—six months imprisonment and three hundred dollar fine<sup>72</sup>—to be imposed on the victims of "the law";—

Notwithstanding in what were considered aggravated cases the segregation policy could be resorted to by which the penalty of the law could be augmented to three and four times that amount of penalty—and in a number of cases was so augmented;<sup>73</sup>—

Notwithstanding the possibilities of increasing the punishment by that policy were well nigh without limit;—

Notwithstanding the deputy marshals could, or at least did, arrest witnesses on warrants—not subpoenas—and place them under bonds to appear before grand juries and trial courts, and when they refused to testify on matters confessedly not essential to the establishment of the crime—sexual intercourse—charged, the judges could, or at least did, send them to prison;—

Notwithstanding the courts could, or at least did, compel wives to testify against their husbands,—

Notwithstanding the federal judiciary of the Territory had

71. Ibid. Impression of 16th of Feb., 1886.

72. This sentence of extreme penalty for the violation of this law, fell with such regularity that it was with grim humor spoken of by the victims as the "six by three" size of punishment, abbreviated finally to the symbol of "6 by 3," which if one did not get he was jestingly regarded only as an inferior hero of the times by his fellow victims of the "6x3" class.

73. See Jensen's Church Chronology from 16th of September, 1885—when the policy was presented to the grand jury of the third judicial district, by Judge Zane, and by Judge Powers to the Grand Jury of the first judicial district on the 23rd of the same month,—to the 7th of Feb., 1887, when the segregation policy was overthrown by the supreme court of the United States. Between those two dates a number of such cases as are referred to in the text are given in the long list of trials and convictions there recorded. Six such "victims" were languishing in the Utah penitentiary when relieved by the decision of the U. S. Supreme court. See Church Chronology, date of 7th and 8th Feb., p. 143.





special funds appropriated by the federal government to employ a large force of deputy marshals, U. S. commissioners and assistant prosecuting attorneys, to carry on this crusade;—

Notwithstanding that it was possible for the federal officers to put a price upon the heads of prominent churchmen, against whom their animosity was especially aroused,—thus giving encouragement for deputy marshals *enforce* to repeatedly raid the homes and the offices of these men;—<sup>74</sup>

Notwithstanding that in addition to the large numbers that were daily being sent to prison and fined, and more by the extra judicial administration of the law were driven into exile;—

And, finally, notwithstanding a veritable “*reign of terror*” had been created by this unwarranted procedure, which made Utah more resemble some Russian province where suppression of freedom was in progress than a political subdivision of the Republic of the United States—the Utah “Ringites,” including the federal officials, were not satisfied with their powers, but sought for more, through further special congressional legislation! Hence through these first years of the crusade, described so far in this chapter—from its beginning under the Edmund’s law—1883—to the passage of the Edmund’s-Tucker Bill in February, 1887—the anti-Mormon “Ringites” were industriously agitating the country for the passage of more stringent legislation especially insisting that the legislation demanded should provide for the government of Utah by a legislative commission which meant, of course, the disappearance of the last vestige of local self-government for the Territory. The result of this anti-Mormon clamor for further special legislation was the passage of the Edmunds-Tucker bill; which, infamous as it was, fell very far short of being as vicious and infamous as the

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74. Surely all this would have been sufficient to have suppressed polygamous marriages and polygamous living in a short time. “But is it polygamy that is aimed at?” Asked Utah’s delegate to congress on the floor of the house when the Edmunds-Tucker bill was under discussion. “If so,” he continued, “why not give the laws already enacted and so vigorously, nay so ruthlessly enforced, an opportunity to work out their legitimate effects? If they will not extirpate polygamy, surely no legislation of a kindred character ever will. If you are impatient and must have quicker results why not act upon the declaration of an Assistant Attorney-General of the United States, who deliberately said that it would have been an act of mercy to have put all grown-up Mormons to the sword.” (Congressional Record of Jan. 13th, 1886, house proceedings).



measures sought for by the Utah Ringites and the anti-Mormon agitators throughout the United States.

For example, in the matter of wives and husbands testifying against each other, while the new law made them competent witnesses in prosecutions for bigamy, polygamy, or unlawful cohabitation, it provided that they should not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; "and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law."

The practice in Utah during the crusade had been that husband and wife should be compelled to testify against each other irrespective of the objection of one or the other, and confidential communications were not considered at all.

In providing that in the same class of cases an attachment for any witness might be directly issued by "the court," judge, or commissioner, without a previous subpoena, compelling immediate attendance of such witness"—when there was reasonable grounds for believing that such witnesses would unlawfully fail to obey a subpoena issued in the usual course—was but authorizing that which for some time had been the practice in Utah without law, and safe guarding the somewhat extreme procedure by express proviso of the law that the person so attached might at any time secure his or her discharge from the custody by giving bonds with sufficient security which was better than having the matter left as in the recent Utah practice to the whim of the Judge, court, or commissioner.

The sections defining and prescribing punishment for adultery, incest and fornication were made part of the law because the penal code of Utah following the California code—indeed, it was an adaptation of California's, code—had no statute which in terms expressly defined and punished those crimes, a matter often exploited and discussed by the anti-Mormon agitators, much to the disadvantage of the Latter-day Saints in Utah, held accountable for any defect in Utah legislation, and justly, in so far as that defect was due to failure of initial action, since they



were in full control of the legislature. The Latter-day Saint responsibility was limited to initial actions, however, because the governor of the Territory possessed absolute veto power over the acts of the legislature. The law provided that all prosecutions for adultery might be instituted as prosecutions for other crimes are, and annulled all territorial laws which provided that prosecutions for adultery could only be commenced on the complaint of the husband or wife.<sup>75</sup>

The U. S. commissioners appointed by the supreme and districts courts of the Territory were given the same power and jurisdiction that were possessed by justices of the peace, under the laws of the Territory, and the same powers conferred by law on commissioners appointed by the circuit courts of the United States. The marshal of the Territory and his deputies were given authority to exercise all the powers in executing the laws of the United States or of the Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers. This in order to establish Gentile courts and peace officers of equal grade with justices of the peace and sheriffs and constables elected by the people, and generally Mormons, and represented as being unjust to non-Mormon violators of the law. The authority of the county probate courts was further restricted, being limited to administering the estates of deceased persons, and in respect of the guardianship of the person and property of infants and persons of unsound mind.

The judges of probate were also made appointive by the President of the United States, with the consent of the Senate; and the Territorial law providing for their election by the legislative assembly, annulled.

The office of Territorial Superintendent of district schools, heretofore elected by the people, was abolished, and a commissioner of schools substituted to be appointed by the supreme court of the Territory. The commissioner was to exercise all the powers and duties heretofore exercised by the Territorial superintendent, receive the same salary, paid from the people's treasury, and was authorized to prohibit the use in any district

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75. See note 15, Ch. CXVII, this History, where the matter of Utah's laws on this subject are considered at length.





school of any book of a sectarian character or otherwise unsuitable. This under the misapprehension that the district schools of the Territory were made sectarian to the advantage of the Church of the Latter-day Saints. This Utah's delegate to congress refuted on the floor of the house of representatives in his speech against the Edmunds-Tucker bill.

"The money raised for school purposes in Utah is greater in amount than the school funds of three States, and of any of the Territories, save Dakota. And more than that, sir, not one dollar of the school fund, by far the larger part of which comes from Mormon tax payers, is used for sectarian purposes! The school books of the public schools of Utah are as absolutely free from Mormon teachings as are those used in the District of Columbia."<sup>76</sup>

It is true there may have been in early times in Utah, and especially in remote sections of the Territory, the use of Mormon religious books in reading classes, but that condition had long since passed away.<sup>77</sup>

The disfranchisement of the women of Utah—after they had exercised the privilege of the elective franchise for years—by the Edmunds-Tucker law was a direct blow not so much at woman suffrage, as a deliberate effort to cut down the Latter-day Saint voting strength in order that the Territory might be the more readily captured by the anti-Mormon minority.

Section three of the anti-bigamy law of 1862, provided that it should be unlawful for "any corporation or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the territorial government of a greater value than fifty thousand dollars; and all real estate ac-

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76. Congressional Record 1. Jan. 13, 1887. House proceedings. In the biennial report of the Territorial superintendent of Districts Schools for the years ending June 30, 1882-3, the following occurs: "whilst there are no religious tenets taught in our district schools, I would be sorry if the facts compelled me to admit there were no moral, or even religious influences used, or principles taught, where by the fundamental truths of morality and virtue, and the duties of citizenship, might be imbibed by the children; that the good results thereof might grow with them as they grow in years. I submit that these principles should be taught in all schools." See also Superintendent's Report for 1880—John Taylor, whom the Hon. Charles Warren, acting commissioner of education complimented in a personal letter for making a compilation of comparative statistics in his report. The letter is published in Utah Pioneer Celebration, p. 33.

77. *Ibid.*



quired or held by any such corporation or association contrary to the provisions of Edmunds-Tucker law was forfeited and escheated to the United States: Provided, that existing vested rights in real estate shall not be impaired by the provisions of this section.

The Edmunds-Tucker law made it the duty of the Attorney General of the United States to prosecute proceedings to forfeit and escheat to the United States the property of corporations held in violation of the aforesaid law, the escheated property to be disposed of by the Secretary of the Interior, and the proceeds thereof to be applied to the use and benefit of the common schools of the Territory: "*provided*, that no building or grounds appurtenant thereto held and occupied exclusively for the purpose of the worship of God, or parsonage, or burial ground shall be forfeited." This, it was thought, would enable the government officers, designated in the act, to seize upon large properties held by the Church.

The Perpetual Emigration Fund Company was disincorporated and it was made unlawful for the Utah legislature "to create, organize or in any manner recognize any such corporation or association, or to pass any law for the purpose of, or operating to accomplish the bringing of, persons into the Territory (of Utah) for any purpose whatsoever. The Attorney General of the United States was directed to cause such proceedings to be taken in the supreme court of the Territory of Utah as would carry into effect in the foregoing provisions. The property of the dissolved corporation and its assets were to be disposed of according to law, its debts paid, and what property and assets in excess of its debts and lawful claims established by the court against the same, escheated to the United States and was to be taken and invested and disposed of by the Secretary of the Interior, under the direction of the President of the United States for the benefit of the common schools of Utah."<sup>78</sup>

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78. The Perpetual Emigration Fund Co. is considered in this History at the time it was founded in 1849. See chapter LXXVII, and note 2 at the end of that chapter, where its organization, purposes, and achievements are considered. The company was established at the General conference of the Church, October, 1849, and incorporated by act of the legislative assembly of the Provisional State of Deseret,—which act was afterwards validated by action of the Territorial legislature of Utah.



The corporation known as the Church of Jesus Christ of Latter-day Saints was dissolved, it was made the duty of the attorney General of the United States to take proceedings against this corporation as in the case of the Perpetual Emigration Fund company; and to the supreme court of the Territory of Utah was granted power to wind up the affairs of this corporation conformably to law, and to make such decree or decrees as would be proper to effectuate the transfer of the title to real property then held and used by said corporation for places of worship, parsonages connected with these and burial grounds.<sup>79</sup> All property of the Church corporation would escheat to the United States, to be disposed of as was the property of the Emigration Fund Company.<sup>80</sup>

By other provisions of the Act common law dower rights were given to legal wives, and all enactments of the Territory which recognized the capacity of illegitimate children to inherit, or to be entitled to any distributive share in the estate of the father, was disapproved and annulled.<sup>81</sup>

It was provided by this law that the Territory should be re-districted by the governor, the secretary of the Territory, and the Utah commission. The people of Utah, neither directly nor indirectly through their representatives in the legislature, it will be observed, were given a voice in the redistricting. The Utah commission was continued in existence, though clearly the act

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79. The 26th section of the act provided that all religious sects and congregations shall have the right to have and to hold through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authority of such society, sect, or congregation, however, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect or congregation." In conformity with the solidarity of the Church organization all wards, branches, and congregations were under the control of, and all church property held by the one corporation. In other words the corporation was as extensive as the Church itself. It was for the purpose of distributing to the separate wards, branches, and congregations mentioned in the law the titles to real property for places of worship, parsonages, and burial grounds that the court was authorized by its decrees to make such transfers. This corporation had existed since Feb. 8, 1851, on which date the act of incorporation was approved under the authority of the Provisional State of Deseret (Compilation of Acts and Memorials, etc., 1855, pp. 103-4); and re-enacted under the authority of the Territory of Utah, Oct. 4, 1851. (Id., p. 388).

80. See section 8, Edmund's-Tucker Law.

81. "The provisions of the sections on these heads were not so much intended to confer positive benefits upon legal wives and their children as to work an injustice upon plural wives and their offspring." See *Deseret News* comment—Weekly—of Jan. 26, 1887, p. 22.





which created it (Edmunds' act of 1882, section 9) intended it to be of but temporary duration—only until the legislature could reconstruct the registration and elections machinery of the Territory, and prescribe the qualification of voters in harmony with the provisions of the Edmunds law. Such a measure was twice passed by the Territorial legislature, but each time vetoed by the governor, because the legislature had not also introduced and passed a measure meeting “the expectations of the country” on the subject of polygamy in general, a subject in no way connected with the re-construction of the election machinery of the Territory;<sup>82</sup> the establishment of which would make unnecessary the continuance of the Utah Commission in office, at such great expense to the general government,<sup>83</sup> and the cause of so much irritation to the people of Utah. In consequence of the friction between the legislature and the governor in getting legislation on the subjects of registration, elections, and qualifi-

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82. See report of Utah commission of April, 1884, Ex. Document No. 153, 48th Congress, 1st Sess., where the bill passed by the legislature and the governor's veto message of 1884 will be found. Besides naming what he calls the failure of the legislature “to meet the expectations of the country,” respecting a polygamy act, he names the re-enactment of woman suffrage as a reason why he could not sign it. In reporting the veto action of Governor Murray on a bill relating to the same subject, in 1886, the legislature said: “The legislature of 1884 passed an election law, as authorized by the foregoing; but it was vetoed by the Governor, who specified a number of very trifling reasons for rejecting it. We framed a bill upon the ground work of the former measure, but avoiding the points objectionable to the Governor as presented in his former veto message. He has peremptorily refused to sign it. The only reason that we know of for this refusal is the desire to continue in office the five commissioners appointed under the Edmund's law to select proper persons to fill the registration and election offices in the Territory. The design of the Edmund's law, 1882, as indicated in section 9, was to have those offices filled as the legislature should provide, and thus abolish the commission. It was only designed to be temporary.” The memorial then goes on to show that the legislature's bill upon this subject in 1886 incorporated the same oaths as to the exclusion of polygamists and persons living in unlawful cohabitation as were imposed by the commission, but Governor Murray peremptorily refused to sign it. Of this the memorial of the legislature to congress said:

“The commissioners had no authority in law to impose any oath whatever. Their act in doing so was legislation. While they remain in office that oath is imposed without authority of law. But by the bill which the governor has vetoed, the oath would become legal and the object of the Edmunds law, in its political portion, would be fully accomplished.”

83. “The veto of that bill”—the Registration and Elections bill—nullifies one of the purposes of the Edmunds act, and continues in office a useless commission, costing the Government an average of \$50,000 per annum, not including the \$25,000, per annum for their salaries or the large amount for their personal expenses. This Territory, under the bill we passed, could attend to its own election business at a cost of not more than \$5,000 [per annum] which would be paid out of its own treasury. The veto of that bill, then, costs the United States Treasury about \$75,000 per annum unnecessarily, and without any good result. (*Ibid.*)



cations of voters passed, the new law provided that the approval of legislation on these subjects should be by congress itself, rather than as heretofore by the governor.<sup>84</sup>

A test oath was imposed upon every male person as a condition precedent to his right to register or vote at any election in the Territory. In addition to the ordinary matters of age, citizenship, residence, etc., he was required to solemnly swear that he would support the constitution of the United States, and would obey the laws thereof, and especially the Edmund's act of 1882, and of this Edmund's-Tucker law; and that he would not aid or abet, counsel or advise, any other person to commit any of the crimes forbidden therein. The same requirement was made of all those who were elected to office in the Territory.

All the laws of the Provisional State of Deseret, and the Territory of Utah, relative to the organization of the Nauvoo Legion and the militia of the Territory were annulled; provision

84. In this connection the legislature's memorial to congress in 1886 denounced the absolute veto power of Utah's governors in the following passage: "The power of absolute veto which is vested in the governor of Utah is the primal evil that suggests and makes possible the obstruction of the executive. It stands as an anomaly and a solecism in this great Republic. It is a menace to freedom and a relic of monarchical absolutism. In every State and Territory of the Federal Union, except Utah, a two-thirds majority vote of the legislature will pass any duly enacted bill over the governor's veto. Even Arizona, once under the same disability as Utah, was July 19, 1876, freed from this unjust and needless despotism." "If the one man who wields this extraordinary power were of the people, or a friend to the people, whose expressed will at the polls he can annul by a stroke of the pen or by dogged refusal to sign his name, it would not be so thoroughly oppressive. But he is usually not identified with the people nor with their interests, but is arbitrarily appointed by those in whose authority the people affected have no voice or vote, from a distant place, and with views and purposes foreign to theirs. Thus one man who is unfriendly, in this case strongly antagonistic, to the masses, can render null and void by simply acting as a constructionist, the entire labors, for sixty days, of thirty-six legislators elected at the polls by nearly all the voting citizens of the most populous territory of the Union."

The Memorial also alluded to the measures then pending before congress—which eventuated in the passage of the Edmunds-Tucker law,—in the following terms: "The only results that can be expected from such a revolution in the affairs of this Territory are the complete control of the many by the conspiring few. Eighty-five per cent. of the population dominated by the other 15 per cent., seven tenths of the voting citizens deprived of the ballot to please and enrich the remaining three-tenths, the latter now holding all the offices in the federal gift, and plotting and conspiring to grasp all local offices and the local finances."

With the memorial the legislature forwarded the bills passed by them and vetoed by the governor, and asked that they might be given the authority of law "either by enactment of congress, or other means deemed suitable." They urged this especially in respect of the elections, jury, and appropriations bills, which they considered absolutely essential to the welfare of the Territory. They also once more asked the appointment of a commission to investigate Utah affairs. (See Congressional Record 19th of April, 1886, House proceedings, also *Deseret News*,—Weekly—of June 16, 1886, p. 338).



was made that the militia be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories:<sup>85</sup> *provided*, that all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof, but the laws passed by the legislature for the organization of the militia were to be subject to the approval of congress.<sup>86</sup>

This bill was received by President Cleveland, but was not returned by him to the house of congress in which it originated (the senate) within the time prescribed by the constitution of the United States, it became a law therefore without his signature, and went into effect March 3rd, 1887.<sup>87</sup> It was the last act of anti-Mormon legislation passed by the congress of the United States against Utah.

NOTE 1. FRANCIS A. BROWN BEFORE JUDGE O. W. POWERS. Mr. Brown having furnished the evidence himself that he had lived with his wives as "an honorable man"—though refusing to plead guilty to a "crime," (*Deseret News*—Weekly—of May 20, 1886, p. 285), his case passed through the form of indictment and

85. The implication of the section relating to the militia, is that the organization of Utah's militia under the name and title of the Nauvoo Legion was *not* "organized and subjected in all respects to the laws of the United States regulating the militia in the Territories"; and this is a very unjust and untruthful implication, for Utah's militia of the early years of the Territory was organized strictly in harmony with the laws of the United States then in force on the subject, and held itself subject to those laws. Prejudice existed against its name, and also against the idea of the existence of a citizen soldiery in the common wealth which might have some suspicion of sympathy with the people.

86. See Edmund's-Tucker Law, compiled Laws of Utah, 1888, pp. 114-125.

87. A very caustic review of the procedure of the house of representatives in respect of this bill was written by Mr. R. W. Sloan of Salt Lake City, 1887, who at the time of the house discussion was present in Washington. Mr. Sloan justifies the publication of his pamphlet, after the passage of the bill, because "In all times the same charges are forever being made against the Mormons and their faith. Though constantly denied, and persistently proven untrue, they are still repeated, and it is not unlikely that they will continue to be. The design in this work is to prove that those statements, then made, and coming ever from one general source, must be false, because inherently contradictory; and being contradictory, they are valueless and discredit the source. If this can be done, and I am sure it is possible, some thing of perennial value to the cause of truth will have been accomplished" (Preface). No one can read Mr. Sloan's review of the speeches of Mr. Tucker, representative from Virginia, Mr. Thomas' Reed, of Maine, Mr. E. B. Taylor, of Ohio, *et al.* without feeling convinced that he achieves his ambition to make a permanent contribution to the cause of truth by establishing that anti-Mormon statements in these speeches are inherently contradictory, and being contradictory, "they are valueless and discredit their source." The title of the pamphlet is the "Great Contest, The Chief Advocates of anti-Mormon Measures Reviewed," *Deseret News* print, 1887, 98 pages.





trial. But conviction was had upon defendants own statement without examination of witnesses or argument of counsel. (See *Deseret News*—Weekly—of July 8, 1886, p. 391). In the course of his statement later the witness said: "I descended from the old Puritan stock of the New England States—the land of early piety and steady habits. My forefathers bravely fought and bled during the ever memorable period of the American Revolution, which brought our National independence, and bestowed the rich boon of religious liberty upon their posterity. My parents emigrated from Connecticut to the western portion of the State of New York, in the early days and amid great adversity and the almost insurmountable hardships of a new country reared a family of ten children, I being the seventh child. I learned in early childhood to love my country, and her great government and institutions, and revere and render strict obedience to all her laws which I have done from my youth up to the present time. \* \* \* I was taught by my parents, and in the Sunday School, to reverence the holy Bible and receive it as the word of God, and to live according to its precepts. My parents belonged to the Methodist Episcopal Church, and I was traditionated in their doctrines and reared in their faith, until I was twenty-one years of age, when I first heard the fullness of the Gospel of Jesus Christ as revealed through the Prophet Joseph Smith. \* \* \* On the second day of April, A. D. 1857, I accepted of and entered into the holy order of celestial marriage, as revealed through Joseph Smith, from an honest conviction of my heart that it was a pure principle and had emanated from God, and that it was my duty to obey it. \* \* \* I have struggled in poverty now nearly thirty long years, to provide for my beloved wives and dear children as a kind husband and fond father should; and I have kept inviolate my solemn vows and most sacred contracts that I made with those women up to the present time, to the best of my ability, and I believe to their entire satisfaction.

"I have as good and respectable a family as any monogomist in the United States or in the world, and I feel proud of them. My honorable Gentile neighbors, Mr. Read, Mr. Leland, Postmaster Littlefield and others, have never been disgraced by them, and I think have never had any cause to be ashamed of them.

"I now ask your honor what am I to do? Shall I break the most sacred obligation man can enter into, with impunity? and sever the strongest ties of love and affection that have grown up in the human heart between husband and wives, parents and children, to gratify religious bigotry, or the spleen of men? Shall I abandon my wives and children (who are as dear to me as Your



Honor's, if you have any, or any other man's wife and children are to him) and cast them off upon the charities of a cold world, and thereby render my wives prostitutes, and my children bastards and orphans? Or shall I keep my covenants sacred with my family life a high-minded, honorable and honest man?

"I know not of what mental Your Honor is composed but for myself I will not prove recreant to my wives and children, and betray my trust, I will suffer my head to be severed from my body.

"If the conscience of the American people is outraged at my conduct by obeying what my conscience prompts me to be my duty to my God, and demand by liberty, they are welcome to it. Decisions of courts, enactments of Congresses, and edicts of tyrants, strike no terror to me, when they come in contact with my known duty to my God.

"May God have mercy upon this court, and all who are engaged in this unholy crusade against an honest, virtuous, industrious, and God-fearing people. This is all I wish to say at present, thanking you for your kind indulgence. Signed F. A. Brown. (The statement complete is published in *Deseret News*—Weekly—of July 15, 1885).

Judge Powers when passing sentence on Mr. Brown said it gave him no pleasure whatever to sentence him or even any man for breaking the law. But while he gave the defendant credit for being conscientious in the practice of plural marriage he must give him (i. e. the Judge) credit for being conscientious in the discharge of his duty as an officer of the Government in administering the law. He said he was grieved to be compelled to pass so severe a sentence upon him, but the majesty of the law must be upheld. Francis A. Brown then received the full penalty of the law, namely to be imprisoned for six months in the penitentiary, pay a fine of \$300, and that he stand committed until it is paid. (*Deseret News*—Weekly—of July 22, 1885, p. 420).

NOTE 2. THE POLICY RECOMMENDED BY MR. GEORGE TICKNOR CURTIS, TO BE FOLLOWED BY THE FEDERAL GOVERNMENT TOWARDS THE LATTER-DAY SAINTS, IN RESPECT OF POLYGAMY AND UNLAWFUL COHABITATION: "I can conceive of a policy very different from that which has been followed of late," said Mr. Curtis in his letter to Hon. L. Q. C. Lamar, Secretary of the Interior, and is now proposed to be supplemented by still more stringent measures; and I will sketch one that would, as I believe, strongly tend to bring polygamy to an end.

1st. Men who married plural wives before there was any law prohibiting such unions, but, who since that law went into operation, have confined their sexual relations to one of their wives



should not be prosecuted or punished at all under that section of the statute which makes polygamy bigamy so long as they maintain with all of their wives but one, no other than the relation of protecting friends. Belief, or the profession of belief, in the eternity of the moral and spiritual tie is a perfectly unfit and improper matter to be interfered with by the civil authority.

2d. Men who married plural wives after such unions were prohibited by law should be required, after conviction of bigamy, to give security that they will confine their sexual relations to one of their wives, and that woman should be registered as the admitted wife of that man.

3d. Neither of the above classes of men should be prosecuted or molested under the 3d section of the statute for unlawful cohabitation on account of any association with the plural wives that is not sexual, or on account of any recognition or profession of the religious and moral tie which the parties all believe to be for time and for eternity.

4th. In order to have the 3d section of the Edmunds Act, in cases where convictions have been had under it, receive construction by the Supreme Court of the United States, provisions for that purpose should be made at once by law.

5th. In order to carry out this policy, let there be detailed from the Department of Justice, some suitable person as special counsel to proceed to Utah under proper instructions, authorizing him to take charge of all prosecutions under the Edmunds Act now pending, or that may be instituted for one year, with authority to direct the district attorney at such cases, and to supervise the administration of the law under the control of the Attorney-General.

The adoption of such a course as this would supersede all necessity for measures respecting the Mormon Church, or respecting immigration or the employment of a military force; and it would, aided by unknown differences of belief among the Mormons in regard to plural marriage, put an end to polygamy in no very long time." (*Deseret News*—Weekly—of December 1, 1886, p. 732).





## CHAPTER CXX

RESISTANCE TO ANTI-MORMON AGGRESSIONS—RETALIATIONS—  
 CHANGES IN FEDERAL OFFICERS FOR UTAH—JUDGE ZANE ET  
 AL—GOVERNOR WEST AND THE MORMON PRISONERS—THE  
 INDUSTRIAL CHRISTIAN HOME FOR POLYGAMOUS WIVES  
 —THE LOYAL LEAGUE OF UTAH—THE DEATH  
 OF PRESIDENT JOHN TAYLOR.

All this invasion of the rights of American citizens by judicial decisions, and congressional enactments; all these thrusts at the rights of an American community to self government, under the national constitution and the Territorial enabling act, were not submitted to by the Latter-day Saints without protest and strenuous effort to prevent the inroads being made. In the first place at the annual conference of the Church held at Logan in April, 1885, the First Presidency of the Church in an epistle addressed to the conference called attention to the fact that the male members of the Church living in the practice of plural marriage represented but about two per cent. of the entire membership of the Church. "And we consider it an act of great injustice to the ninety-eight per cent," said the President, "to be abused and outraged, and have all their business relations disturbed, values of every kind unsettled, neighborhoods agitated and alarmed, and the property of the people generally jeopardized, because of this 'raid' upon these alleged breakers of the law."<sup>1</sup>

In view of this statement of the epistle the conference appointed a committee to draft resolutions and a protest to the President of the United States, and to the nation, setting forth in detail the wrongs the people of Utah had suffered, and were still suffering "from the tyrannical conduct of federal officials, and "asking for the same treatment to which other citizens of the United States were entitled."<sup>2</sup> This committee reported to a mass meeting held in the great tabernacle on 2nd of May,

1. See epistle in minutes of April Conference, Mill. Star, Vol. XLVII, pp. 290-296.

2. *Ibid*, pp. 296, where the resolution in full and the names of the committee—twenty-two in number—will be found.



1885. The tabernacle was crowded to its capacity—from eight to ten thousand people. John T. Caine, Utah's Delegate to congress acted as chairman of the meeting. The statement of grievances and protest of the conference-appointed committee were supported by strong speeches from many prominent elders of the Church and finally passed unanimously with enthusiasm by the great mass meeting. The several points of protest were vigorous, and followed a careful detailed statement of grievances, closing as follows:

"These are our grievances now hear our protest:

We protest against unfair treatment on the part of the general government.

We protest against a continuance of Territorial bondage, subversive of the rights of freemen and contrary to the spirit of American institutions.

We protest against special legislation, the result of popular prejudice and religious interference.

We protest against the conscience of one class of citizens being made the criterion by which to judge another.

We protest against the tyranny of federal officials, and the continuance in office of men who disgrace their positions and use their official powers as a means of oppression.

We protest the partial administration of the Edmunds law—the punishing of one class for practicing their religion, and exempting from prosecution the votaries of lust and crime.

We protest against the breaking up of family relations formed previous to the passage of the Edmunds law, and the depriving of women and children the support and protection of their husbands and fathers.

We protest against the prosecution of persons, many of whom are infirm and aged who entered into plural marriage before it was declared a crime and never violated any law.

We respectfully ask for the appointment by the President of a commission to fairly and thoroughly investigate the Utah situation and pending its report we solemnly protest against the continuance of this merciless crusade."<sup>3</sup>

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3. The statement of grievances, protests and synopsis of speeches, etc., will be found in *Deseret News—Weekly*—of May 6th, 1885, pp. 244-5. A complete report was published in pamphlet form at the time, but the pamphlet is now rare. The statement of the treatment of Latter-day Saints extended beyond the borders of Utah and was made to cover Idaho and Arizona also where abuses equally as great as those in "Utah were being perpetrated." "In Utah, Idaho and Arizona," said the statement, concerted assault, is made upon the "Mormon" people.



A committee of three, John T. Caine, Utah's delegate to congress, John W. Taylor, a member of the council of the Apostles, and a son of President John Taylor, and John Q. Cannon, son of Geo. Q. Cannon, were chosen a delegation to present the statement of Grievances and Protest to the President of the United States. Mass meetings for the ratification of this protest against injustice were held in all prominent towns and cities of the Latter-day Saints, in the three Territories where the injustice complained of obtained and in every case the Statement and Protest was unanimously adopted.

On the 13th of May the committee appointed by the mass meeting at Salt Lake City, waited upon President Cleveland, at the White House in Washington, and presented the Protest to him. They were courteously received by the nation's chief executive, who listened to the reading of the statement of Grievances and Protest, and promised the committee that in his appointments to office in Utah he would give a "character of men who will see to it that the law would be impartially administered. He expressed the wish, smilingly, that the people of Utah—having in mind, of course, the question of plural marriage—"could be like the rest of us," a remark, by the way, to which some overzealous Latter-

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"Spotters and spies dog their footsteps. Delators thrust themselves into bed-chambers and watch at windows. Children are questioned upon the streets as to the marital relations of their parents. Families are dragged before Commissioners and grand juries, and on pain of punishment for contempt, are compelled to testify against their fathers and husbands. Modest women are made to answer shamefully indecent questions as to the sexual relations of men and women. Attempts are made to bribe men to work up cases against their neighbors. Notoriously disreputable characters are employed to spy into men's family relations. Contrary to good law, persons accused of crime are esteemed guilty until they prove themselves innocent. The burden of proof rests upon the accused instead of upon the accuser. Trial by jury in the Territories is no longer a safeguard against injustice to a Mormon accused of crime. Accusation is equivalent to conviction. Juries are picked to convict, and if they fail to find a verdict against the accused when he is a Mormon, insult and abuse are heaped upon them by the anti-Mormon press. Men, fearful of not obtaining justice in the courts, are avoiding arrests, believing no fair and impartial trial can be had under existing circumstances. (*Ibid*, p. 244). In contrast with this "raid" upon the Latter-day Saints the following preceded the above quotation: "The Edmunds law which not only provides for the punishment of polygamy, but also cohabitation with more than one woman, whether in the marriage relation or outside of it, is made to operate upon one class of people only—the Mormon class—and yet of the non-Mormon class who transgress the law the name is legion. The paramour of mistresses and harlots, secure from prosecution, walks the streets in open day. No United States official puts a 'spotter' on his trail, or makes an effort to drag his deeds of shame and guilt before a judge and jury for investigation and punishment." (*Id.*)





day Saints gave a sinister meaning, when clearly none was intended on the part of the President.<sup>4</sup>

So far as known the statement of Grievances and Protest did not effect the course of events in Utah, or in the other Territories, Idaho and Arizona; but it did bring before the country through the press an account of the injustice being perpetrated in administering the Edmunds' law in Utah.

About a year later, *viz*, March 6th, 1886, the women of the Church held a mass meeting in the Salt Lake Theatre—two thousand in attendance—at which another vigorous protest was registered against the unjust procedure of the Utah courts. This resulted in a Memorial to the President of the United States and to Congress, before mentioned, reciting grievances and the injustice that the women in these illegal proceedings of the courts in Utah had to endure.<sup>5</sup>

Before the supreme court of the United States a contest was

4. See a communication to the *Deseret News*—Weekly—of June 3rd, 1885. An account of the interview was sent out by the Associated Press on the 13th of May, and appeared in practically all the newspapers of the country as follows: Washington, May 13th, Congressional Delegate John T. Caine, of Utah, John W. Taylor, son of the President of the "Mormon" Church, and John Q. Cannon, son of ex-Congressional Delegate Cannon, who compose the delegation sent by the "Mormon" church to lay before the President a statement of grievances of the "Mormons" and present the address recently adopted by a mass meeting of "Mormons" against the action of federal officials, called, by appointment, at the Executive Mansion this morning, and were received by the President in the library. As the delegation entered, the President was seated at his desk, but immediately arose and shook hands with Mr. Caine and was then introduced to Mr. Taylor and Mr. Cannon. Mr. Caine then read the address to the President who remained standing during the interview. The President listened courteously and attentively, to the address and upon its conclusion, said:

"Well, gentlemen, so far, of course as the Edmunds law is concerned, I had nothing to do with that. Of course it is my duty to see that it is enforced, as well as all other laws. You are entitled to fair consideration and to have the law impartially administered, as you have asked, and, so far as any appointments which I shall make are concerned, I will endeavor to give you a character of men who will see that the law is impartially administered. I hope soon to be able to get at these matters, but it will require a little time."

The President's face broke into a smile as he concluded. "I wish you out there could be like the rest of us."

"All we ask," rejoined Mr. Caine, "is that the law shall be impartially administered."

"You are entitled to that," said the President; "and, so far as I am concerned, I shall see that it is done. I will give these matters my attention as carefully as possible." A full report of their interview with President Cleveland, signed by the committee, was submitted to the Tabernacle congregation on the 31st of May, and is published in full in the *Deseret News*—Weekly—of June 3rd, 1885, p. 316.

5. The memorial was introduced into the U. S. Senate by Mr. Blair U. S. Senator from Missouri, and published in the Congressional Record of the 6th of April, 1886. The full minutes of the mass meeting of March 6th, appear in *Deseret News*—Weekly—of March 17th, 1886.



also waged for the rights of the people. The vicious judicial policy of segregation in respect of the misdemeanor of unlawful cohabitation was brought before that tribunal in the Lorenzo Snow case. His was the first case sentenced under the segregation policy. His fines in the three cases for the same offense, amounted to \$900; and his terms of imprisonment to eighteen months, having been given the extreme punishment in each case. An appeal was taken to the Territorial supreme court. This on the 6th of February, 1886.

The Snow case involved two points; first, the legal definition of the term "cohabitation;" and, second, the segregation of the single offense into many by division and subdivision of the time through which the offense ran. The supreme court of the Territory sustained the definition of cohabitation of the lower court, namely, that "the offense of cohabitation is complete when a man to all outward appearances is living and associating with two or more women as his wives"; sexual relations not a necessary element of cohabitation; and cohabitation with the legal wife assumed.

The supreme court of the Territory also, had unanimously, sustained the segregation policy followed in the trial court in the two other sentences.<sup>7</sup> Thirty days in all were allowed for preparation of an appeal to the supreme court. An effort was made to have the case advanced on the U. S. supreme court calendar, but this could not be done while the defendant was at liberty under bonds. On learning this Lorenzo Snow voluntarily went to prison that the case might be advanced, as a number of others, as well as himself, were interested in having these points of the law settled.<sup>8</sup>

After hearing arguments in the case the supreme court decided on May 10th, that it had no jurisdiction in the cases and dismissed them. The court had previously, at the same term of court, considered the Angus M. Cannon case, involving some of the same points as the Snow cases, but the question of jurisdic-

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6. The opinion of the court in full will be found in *Deseret News—Weekly—* of Feb. 17th, 1886, pp. 66, 67.

7. See Review of this decision in *Deseret News—Weekly—* of 24th Feb., 1885, pp. 86-87.

8. See *Deseret News—Weekly—* of March 17th, 1885, p. 137.



tion had not been raised. It was raised, however, by the court itself, in the Snow case, and the Cannon case was recalled and dismissed as well as the Snow cases for want of jurisdiction.<sup>9</sup> This caused great rejoicing in the anti-Mormon Ringite camp, as it left the Latter-day Saints charged with unlawful cohabitation entirely at the mercy of their persecutors.<sup>10</sup>

The Snow case was again taken to the supreme court on a writ of *habeas corpus*, to release the defendant from an illegal imprisonment for the segregated cases; and on the 7th of February, 1887, the procedure of the Utah courts was reversed, and the segregation policy, conceived in malice, and vindictively executed, came to an end.<sup>11</sup>

9. Washington Post *Dispatch* of May 10th, 1886. See also editorial *Deseret News*—Weekly—of May 26th, 1886. For decision see U. S. Supreme Court Reports, 118.

10. "The rejoicings which are had over the decision of the upper court," said the *Deseret News*, editorially, "show that fair investigation is what the promoters of the raid upon the 'Mormons' least desire. They gloat over the opportunity which it assures of unchecked assaults upon the liberties of the people of Utah. It settles no point of law, it does not say that the Utah courts are right in any particular, but it leaves an unpopular people to the onslaughts of their persecutors in the name of the law, without appeal to a proper tribunal. Those who can rejoice over such a condition of affairs are not to be numbered among the magnanimous of the earth, and their names would be sadly out of place in the list of the just." (*Deseret News*—Weekly—of May 26th, 1886, p. 294).

11. The decision of the Supreme Court is severe in its implied censure of the Utah courts. On the segregation of Snow's single offense into three the court said: "The devision of the two years and eleven months [into three periods] is wholly arbitrary. On the same principle there might have been an indictment covering each of the thirty-five months, with imprisonment for seventeen years and a half, and fines amounting to \$10,500; or even an indictment covering every week, with imprisonment for seventy-four years and fines amounting to \$44,400; and so on, *ad infinitum*, for smaller periods of time. It is to prevent such an application of penal laws, that the rule has obtained that a continuing offence of the character of the one in this case can be committed but once, for the purpose of indictment or prosecution, prior to the time the prosecution is instituted." Then reviewing the order of presentation of the cases by the prosecuting officer, and the devilish cunning employed by him to deprive the defendant of his legal rights and pleadings, the court said:

"It was quite in consonance with this action, that the prosecuting officer tried the indictments in the inverse order of the time to which each related, that for 1885 first, that for 1884 next, and that for 1883 last. Hence the defendant could not, on any trial, plead or show that he had before been tried on an indictment in respect to a period of time antedating that laid in the indictment on trial. Then, after the verdicts, there was not a separate judgment in each case; but only one judgment in form was rendered for all the cases. The judgment says, on its face, that the proper officer of the penitentiary is to imprison the defendant therein "for the periods as in this judgment ordered and specified," that is for three successive periods of six months each, the first period to apply by the indictment thirdly tried; the second period to apply to the indictment first tried, and to begin when the sentence and judgment on the indictment thirdly tried should expire; and the third period to apply to the indictment secondly tried, and to begin when the sentence and judgment on the indictment secondly tried shall expire.





The Church authorities had employed as their counsel, in addition to Utah attorneys, George Ticknor Curtis, of Massachusetts, a lawyer, publicist, and author of high standing. In a letter to the Secretary of the Interior Hon. L. Q. C. Lamar, November 1st, 1886, he reviews the Utah question at great length, especially the official report of the Governor of the Territory and some suggestions of the Utah commission. He also considers quite exhaustively the procedure and decisions of the Utah courts in the Snow case. His argument to the layman will appear as technical, but it doubtless had much to do with persuading the U. S. Supreme Court that it was the right of the people of Utah to have the decisions of the Utah courts in the unlawful cohabitation cases reviewed by the supreme court of the United States,<sup>12</sup> since shortly after the appearance of the article widely commented upon in the United States, the hearing of the Snow case on habeas corpus proceedings took place.

In this communication to the Secretary of the Interior Mr. Curtis submitted a policy to be pursued by the Federal government towards Utah, that had in it some consideration for the religious and moral sentiments of the Latter-day Saints involved in the marriage system so madly assailed; but neither congress

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*"No case is cited where what has been done in the present case has been held to be unlawful. But the uniform current of authority is to the contrary, both in England and in the United States."* U. S. Supreme Court Reports, 120.

12. The letter of Mr. Curtis to the Secretary of the Interior will be found in *Deseret News—Weekly*—of Dec. 1st, 1886. The attitude of Mr. Curtis on the relations of the Territories to the federal government were radically different from those of Judge Black, the former legal adviser of the Church, Mr. Curtis taking the orthodox side of that question among most lawyers and statesmen, namely, that "so long as a Territory of the United States remains a Territory the relations of social and civil life therein are under the government of Congress; but that any legislation respecting them is to be controlled by those prohibitory causes of the Constitution which limit the legislative powers of Congress wherever it is exercised." (Ibid.) Mr. Curtis also wrote a letter against the passage of the Edmunds-Tucker bill, which appeared as a Washington dispatch in the *St. Louis Globe-Democrat*, on Jan. 14th, 1887. "There are provisions in the bill," said he, "which in my judgment, violate the Constitution in both its letter and spirit; but what has struck me as most remarkable is that, with a few exceptions, the Democrats of the House have joined with the Republicans in passing a measure especially and palpably opposed to all the best traditions of the Democratic party, and designed by the Gentiles of Utah to widen the breach, to render futile all efforts to reconcile the Mormons to a state of cheerful and confiding feeling toward the Federal Government, and to subject the majority of the people of the Territory to the domination of the minority." Mr. Curtis was particularly severe on that part of the bill which provided for the confiscation of the property of the Church. (The letter complete will be found in *Deseret News—Weekly*—of Jan. 19, 1887. Mr. Curtis was also leading counsel in the Snow cases before the U. S. Supreme court, being associated with attorney F. S. Richards of Utah.



nor the country was in a frame of mind to consider that question dispassionately and Mr. Curtis' suggestions went for nothing.<sup>13</sup> Had they been adopted the course of events in Utah might have come to a happy conclusion long before they did.

The strong speech of Mr. Caine, against the passage of the Edmunds-Tucker bill has already been referred to, as manfully resisting the passage of the bill which so far invaded the rights of the people.<sup>14</sup> Of the same character was the dignified Memorial of the Utah legislature of March, 1886, against the injustice of the absolute veto power of the governor, which was presented to the House of Representatives on the 19th of April, 1886.

An effort was made to escape the annoyances of this seemingly irrepressible conflict between the people of the Territory and the anti-Mormon Ringites—chiefly federal office holders—by another effort to obtain statehood for Utah. This in mid-summer of 1887. All polygamists had now been disfranchised in Utah, and it was thought that a convention made up of those who could take the form of oath prescribed for electors by the Utah commission—completely, eliminating polygamists—could draft a constitution that would be acceptable to congress and to the people of the United States. Accordingly a constitutional convention convened in Salt Lake City on the last day of June, 1887, and taking a constitution adopted by a previous convention as a working basis, by the 7th of July a draft of a constitution was completed for submission to the people at the ensuing general election to be held on the 1st of August. The constitution thus submitted received 13,000 votes in its favor and less than 500 against it.

The chief hope of its acceptance by congress consisted in the fact that it contained a provision—section 12, article XV—inhibiting, and operative without the aid of other legislation, bigamy and polygamy. The offense was not barred by statute of limitation under three years, and not pardonable without the ap-

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13. They are too valuable, however, to be lost to History and hence his several propositions that make up the policy he recommend, are given in Note 1 at the end of this chapter.

14. See Congressional Record of 13th of January, 1887.



proval of the President of the United States.<sup>15</sup> Section 2 of Article XVI provided that there should be no amendment or abolishment of this provision without the consent of congress.

The constitution was presented to congress and representative citizens appeared before congressional committees in advocacy of its passage; but nothing came of it, so far as advancing statehood for Utah at the time was concerned. The senate committee on Territories to whom the constitution and accompanying memorials had been referred finally reported adversely to the admission of Utah, and was discharged from further consideration of the subject.<sup>16</sup>

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15. The section in full was as follows: Article XV . . . . Sect. 12: "Bigamy and polygamy being considered incompatible with a republican form of government, each of them is hereby forbidden and declared a misdemeanor. Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than one thousand dollars and imprisonment for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after commission of the offense; nor shall the power of pardon extend thereto, until each pardon be approved by the President of the United States." It was also provided that this section should not be amended, or changed or revised until such change or amendment should be reported to Congress, approved and ratified by that body, and proclamation of such ratification to be proclaimed by the President of the United States; "and if not so ratified and proclaimed, said section shall remain perpetual." (Art. XVI, sect. 2). (*Deseret News*—Weekly—of July 13, 1887, p. 412-13. Where the Constitution complete is published).

16. This on the 26th of March, 1888. See Congressional Record of that date, Senate proceedings. The *Deseret News* commenting on the insertion of the anti-Bigamy and polygamy section of this constitution of 1887, said: "It has come to be a matter of certainty in the popular mind, that Utah cannot be admitted into the Union as a state, without some constitutional provisions against practices about which the country has been much misinformed and unduly excited. Former efforts for statehood without such provisions have been treated with the coldness that arises from reference to a committee which usually freezes over with silence on the subject. . . . Under the former condition of affairs in this Territory, it is probable that no such action as that of the present convention would have been taken. The most active men in movements of this character could not consistently take such a step because they were engaged in the practice of something which they were asked to prohibit. The members of the present convention are free from those conditions. They have taken the oath required by Congress in regard to the practice condemned by national statute, and their course now is in line with the oath and the condition understood to be imperative on the part of the authorities and the great masses of the people of this nation. They have acted, as we have heretofore explained, entirely in a political capacity. They have entered into no compacts, formulated no agreements made no compromises of a religious or any other matter.

"As American citizens representing American citizens, they have recognized a political exigency and a popular demand in relation to a political question. The provision they have inserted in the Constitution is in the nature of a civil law on a matter relating to civil government, without reference to religion in any shape or form. The state cannot legislate for or against any religion, neither can the nation as a whole. The acts of either, to be valid and in harmony with the





The foregoing were all honorable and dignified methods of resistance under the law to the invasion of the people's rights. I wish no other methods had been adopted; but that is too much to expect perhaps in a community controversy so long continued so bitterly waged, and carried on by mortal men. These things considered it is matter of astonishment that there are so few regrettable incidents to chronicle. Among these, however, was one utterly execrable, I have reference to the hurling of filth pots into the homes of U. S. District Attorney Wm. H. Dickson, U. S. Commissioner William McKay, and Assistant U. S. District Attorney Chas. S. Varian. The outrage occurred about one o'clock on Sunday morning, September 13th, 1885. The missiles were two quart glass jars filled with human excrement, and several of them at each of the above named residences were thrown through the windows or the transoms into the houses. Mr. Varian was absent from home at the time, and Mrs. Varian alone with five children was greatly alarmed by the crash of breaking glass when her home was assaulted. Unfortunately the persons who perpetrated this outrage escaped discovery. Naturally the U. S. officials whose homes were thus assaulted and desecrated, and the Gentile population generally, charged the Mormons with the outrage. The Mormon press insisted that it was a vile trick on the part of the anti-Mormons to bring odium upon the Latter-day Saint community, and perhaps precipitate a crisis in their affairs. Arguing that the "Mormons" could receive no possible advantage from such a dastardly assault, while it would make martyrs of the officials "in a small way, at but little personal expense to themselves," and would make "their official seats more secure," Mormon editors reached the conclusion that anti-Mormons were guilty of that Sunday morning atrocity.<sup>17</sup>

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principles of this republic, must be entirely devoid of enmity or favor to any religious creed or ecclesiastical body; they must be civil, political, secular, entirely and integrally.

The provisions in regard to bigamy and polygamy, which are unusual in state constitutions, have been inserted as a political necessity arising from a peculiar condition of affairs requiring political settlement. (*Deseret News*—Weekly—of July 13, 1887, p. 406).

17. The Heading of the *Deseret News* account of the affair was sensational and embodied the above idea. see impression of Sept. 16th—Weekly—1885. For editorial comment see same impression, p. 553; also *Ibid* September 23d, p. 567.



Of course since the parties who were guilty of the loathsome act were never found out, speculation is idle and one opinion may be as good as another, but this should be said of it, if it was the work of members of the Church of the Latter-day Saints, viz, that the deed was a disgrace to them, to all who had guilty knowledge of it, or who were in any degree responsible for the conception of it, or the carrying of it out. It was the deed of a low-bred mind, of a depraved understanding. Unhappily there are such characters that attach themselves to every cause however exalted. It was an act which in no way could effect conditions only to make them worse; and as an expression of resentment towards these U. S. officials, perniciously active as they were in the anti-Mormon judicial crusade, it was as cowardly as it was loathsome.<sup>18</sup>

Sometime before this incident, viz in May, of the same year, public displeasure was manifested against these same U. S. officials. They attended the mass meeting in the great Tabernacle which adopted the statement of Grievances and Protest to the President of the United States and to the nation, already considered in this chapter. It appears that some official business required them to leave the meeting before its conclusion, and as they rose to depart, they were recognized by a number in the audience who began to hiss at them. This was promptly denounced by the chairman, "and the disagreeable ripple was promptly suppressed." It was also disapproved by editorial censure in the *Deseret News*, which said in commenting on the incident:

"While the propriety of such an exhibition of personality is in questionable taste under any circumstances, the occasion of Saturday was one especially in which it should have found no

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18. Here it may be proper to include in this repudiation and denunciation of all such low and cowardly methods of expression of resentment or disapproval of persons, or the course they follow, the case of the Stenhouses, since it was not mentioned in the period when it occurred, 1869. Shortly after the withdrawal of Mr. and Mrs. Stenhouse from the Church—stating that because they no longer believed in the claims of Brigham Young it was their judgment that they ought to be excommunicated from the church—they were waylaid at about ten o'clock at night by four men furnished with huge garden syringes, "charged with the most disgusting filth," with which they drenched their helpless victims from head to foot ("Tell It All," by Mrs. Stenhouse, pp. 578-581). Language fails one when seeking to express his contempt for parties perpetrating such an outrage, and especially when one of the victims is a woman.



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place. . . . The meeting was one to which a general invitation had been extended, and all who availed themselves of the privilege of attending were entitled to personal courtesy, no matter how much their conduct in general outside the meeting may have been deprecated by the assembled multitude."<sup>19</sup>

It was matter of complaint on the Latter-day Saint side of the unlawful cohabitation controversy that while the law was relentlessly and in some cases cruelly enforced against men for living with their plural wives, strained and even illegal interpretation being given to the law in order to increase its penalties, yet non-Mormons of notoriously corrupt lives as to sexual crimes were unmolested.<sup>20</sup> Impatient at this distinction in treatment—though it ought to have been, by Latter-day Saints, and was on second thought matter for congratulation that they were not placed upon the same level with such characters in any way, not even in prosecution under the law—some over zealous men, officers of the city government, then entirely in Mormon hands, arranged for the detection and exposure of such characters by a system of secret espionage and public exposure. It was believed that prominent persecutors of the brethren would be entrapped.<sup>21</sup>

19. *Deseret News*—Weekly—of May 13th, 1885, p. 263.

20. "They (i. e. the Mormons) charge that alleged sexual derelictions by persons who do not belong to the Mormon Church are not investigated and punished under the Edmunds law, and that therefore the execution of the law is partial. But this is an error. The (Edmunds) law was not directed at individual lascivious practices but against the assault made by the Mormon Church upon the most cherished institution of our civilization—the monogamic system." Report of the Utah Commission, 28th October, 1885. Copied into *Deseret News*—Weekly—Nov. 25, 1885.

21. Great consternation prevailed in certain quarters. It was rumored, and was matter of press comment, that "the anti-Mormon element had become wild with excitement, and wondered where the lightning would strike next. Many vague rumors were afloat, as to a list of from four to six hundred offenders being in the hands of the city officers, and there were more blanched cheeks and shaking knees than Salt Lake has ever before contained, notwithstanding the ex-butcher's [Mr. P. H. Lannan, proprietor of the Salt Lake *Tribune*] assertion regarding the anti-Mormon purity." (*Deseret News*—Weekly—of Nov. 25, 1885, p. 717).

A number of Christian ministers, nearly all the Protestant missionary divines of the city felt it necessary to issue the following—

*Warning to the Public.*

"The grand jury has unearthed a conspiracy on the part of Mormon officials to blacken the characters of public men. The attack on Christian ministers has begun. We warn the Eastern public against these slanderous reports emanating from Mormon sources.

[Signed] R. G. McNiece, pastor Presbyterian Church; S. J. Carroll, pastor Methodist Episcopal Church; E. N. Putman, rector St. Mark's Episcopal Church; J. B. Thrall, pastor Congregational Church; C. M. Armstrong, pastor St. Paul's



A United States deputy marshal and an ex-United States commissioner were first netted. They were arrested for violation of a city ordinance against lewd and lascivious conduct; but were promptly released by *habeas corpus* proceedings before Judge Zane of the third U. S. district court. The court held the city ordinance to be valid, but held that since the ordinance contemplated a public offense, and the lewd and lascivious conduct charged was done in private, the charge against the U. S. deputy marshal could not be prosecuted under this ordinance and the prisoner was discharged.<sup>22</sup>

Later these same parties and a United States assistant deputy attorney, and a non-Mormon merchant were arrested under a territorial law against resorting to houses of ill fame. Some of the parties were arraigned before justices of the peace. Brought by writ of *habeas corpus* before the third U. S. district court, on the plea that the justice of the peace had no jurisdiction in such cases, the court decided that the justice of the peace had jurisdiction; but when the person was tried and convicted and sentenced the case was appealed to the same district court, and the prosecuting officer moved for a dismissal of the case as the witnesses against defendant were alleged to be in a "conspiracy" to entrap this defendant and others—chiefly U. S. officials of the Territory—for the purpose of public scandal. "It was an

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Episcopal Church; John Walker Jackson, chaplain Fort Douglas; A. B. Peebles, Congregational City Missionary; P. A. H. Franklin, pastor Scandinavian Methodist Church; G. D. B. Miller, head master St. Mark's School; Edward Benner, principal Salt Lake Academy; J. J. Garvin, principal of Salt Lake Seminary.

Of this the *Deseret News* said: "If that isn't crying out before they are hurt, or even threatened with being hurt, what is it? Who has ever mentioned the above names or either of them in connection with the dreaded 'list' till now? No one that we have heard of. Where is the attack on 'Christian Ministers' that these men say has begun? What a nice set of mendacious ministers they are to put their names to such a patent lie as that, that 'The Grand Jury has unearthed a conspiracy on the part of Mormon officials to blacken the characters of public men.' The grand jury have done no such thing. No such a conspiracy has been unearthed by any one. The grand jury report does not charge anything against 'Mormon officials.' The facts are, that an effort has been made to bring to justice the male consorts of the notorious prostitutes of this city and the evidence obtained is of such a complete and irrefutable character that it cannot be overthrown. And these 'Christian' ministers, instead of aiding in a movement to cleanse the city by striking at the root of the evil, throw in their influence on the side of the corruption and debauchery, by the fabrication of the above document, and meanly and falsely try to prejudice the public by making their charge against 'Mormon Officials' (*Deseret News*—Weekly—Jan. 6th, 1885, p. 806).

22. The case as presented in full is reported in full in *Deseret News*, of Dec. 2, 1885, p. 721 and 732.



action founded in malice," he said, "and in revenge for fancied wrong." "As prosecuting officer," said he, "I will set my face against these prosecutions, and with my consent no one connected with the prosecution will prosecute these cases, or allow their prosecution in this court. I refuse to prosecute them or to allow them to be prosecuted. I move to dismiss this action."<sup>23</sup> The court granted the motion, and held that the district attorney was justified in his action.

The principal party to this scheme of espionage and exposure was indicted for conspiracy and sentenced to one year's imprisonment.<sup>24</sup>

About this time an effort was made by two of the brethren to obtain in advance knowledge of the movements of the prosecution of cases in relation to unlawful cohabitation, which led to charges of "bribing" a U. S. official against those who sought this information, through a detective, who was made—according to the record—a U. S. official in order that those employing him as a detective might be chargeable with the offense of bribing an official. The parties seeking for the information as described were tried and convicted of bribery, before an extremely hostile court and each was sentenced to three years imprisonment in the penitentiary.<sup>25</sup>

On the 4th of July, 1885, an unfortunate circumstance occurred in the half masting of the national flag, at the city hall by some of the city's officers, and by other parties at the Salt Lake county court house; also at the Salt Lake Theatre, Z. C. M. I. building, *Deseret News* office, Church Tithing office, the Gar-do House—the residence at the time of President John Taylor; at the Temple, and the Tabernacle. There was of course no intention to in any way dishonor the flag. Placed at half mast it is an emblem of mourning; and as the community was then terrorized by a cruel mal-administration of the law against the Latter-day Saints, as subsequent reversals and condemnations

23. The court procedure with the district attorney's remarks given in full are published in *Deseret News—Weekly*—of Dec. 16, 1885, p. 764.

24. The full account of the trial will be found in the *Deseret News—Weekly*—of Dec. 23rd, 30th and Jan. 6th. For Anti-Mormon version see *S. L. Tribune*, of same period, and of May 29th, 1886.

25. For account of the trial, see *Deseret News—Weekly*—of Oct. 6, 1886; and for sentence, *Ibid.*, Nov. 17.





of the procedure by the supreme court of the United States and the dismissal of federal officers by the national administration attest—it was evidently a time of mourning for the Latter-day Saints in Salt Lake City, who constituted the majority of her people; and the city officers thought themselves justified in thus expressing that sorrow. Such the explanation of the city marshal, Mr. Wm. G. Philips—“half masting of the flag expressed the feelings of the majority of the citizens.”<sup>26</sup>

As soon as the half masting of the flag became known among the non-Mormon part of the citizens great indignation and excitement arose, and angry crowds gathered at the city hall and at the Z. C. M. I. store where for a time riot threatened. A committee of citizens consisting of U. S. Marshal Ireland, Major Wilkes,—who was an ex-confederate soldier—Captain Evans, and C. L. Haines, went to the city hall and demanded to know of the reason for the flag being at half mast. Nobody knew except that Marshal Philips had ordered it to be so placed. The Mayor and marshal being in attendance at a meeting at the Tabernacle were sent for, and on arriving at the City Hall the Marshall took full responsibility for the half-masting. After consultation had with the committee the flag was taken down, but later in the day it was raised to the head of the staff by order of the Mayor, Hon. James Sharp. A request by the offended citizens was sufficient to cause Sheriff Grosbeck, at the county court house, to order for the flag raised to full mast. The flag at the Salt Lake Theatre was raised to full mast early in the day, so too was the flag at the Z. C. M. I. At the other places enumerated above it remained at half-mast throughout the day. As soon as word of the event was brought to the G. A. R. encampment being held that day in the suburbs of the city, fiery speeches were made, equally warm resolutions passed demanding that the flag be raised to full mast. It was claimed that the Governor had telephoned to General McCook for military assistance, but that the General had refused to interfere judging that there was no necessity for such action.<sup>27</sup> So the incident closed except for some inconse-

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<sup>26</sup>. Hist. of Salt Lake City—Tullidge, p. 885.

<sup>27</sup>. See Hist. of Salt Lake City, pp. 885-6. And *Deseret News*—Weekly—of July 8th, 1886.



quential mass meetings that followed. One held at the Methodist Church, at which Governor Murray spoke; and one held by the general public in the Federal Court Rooms.<sup>28</sup>

It was thought that a conflict over the question of half-masting the flag would come up again on the twenty-fourth of July as that was Utah's Pioneer Day, and it was the custom to celebrate the day—would it be done by half-masting the flag?

Such representations were made to the press of the east that the question of Mormon loyalty was very generally discussed. From Salt Lake City appeals to members of the G. A. R. to ex-confederate soldiers, and to men in the mining camps were made for men to come to Salt Lake City on the 24th of July to prevent what was alleged would be an intended insult to the flag by half-masting it on that occasion.<sup>29</sup> Such representations were made to President Cleveland as to the prospect of riot that he gave orders on the 17th of July to General O. O. Howard, in military command of the west, to station divisions of the army along railroad lines at points from which they could readily be rushed into Salt Lake City in case they should be needed. The Lincoln Post G. A. R. Butte, Montana, on the 18th of July, on the strength of reports from Gen. Howard and "information from comrades of the G. A. R. resident in Salt Lake City," made tender of service to Gov. Murray of two companies "A" and "B" of that post, numbering "eighty strong," "armed, uniformed and equipped," and "every man of them a veteran."<sup>30</sup> On the part of the Latter-day Saints the most formidable function planned for that day in Salt Lake City was the meeting of

28. *Ibid*, July 22nd.

29. "The ex-confederate soldiers are talking of holding an indignation meeting here on the 24th inst., to express their views on the insult offered to the flag on July 4th, by the Mormon Church in this city. The Federal court room has been obtained, the railroads have agreed to give half-fare rates from the Park City, Ogden and the mining camps, and the hotels such reasonable rates as to make it an object. The sentiments of the ex-Confederates are to be embodied in the form of resolutions to be sent to the Southern States and Congressmen, politicians and newspapers in that section. . . . It is a good move, and for another reason. There is talk on the streets to the effect that on the 24th—Pioneer's Day—the Mormons intend to drape the flag in mourning and float it at half mast. That would be a good day for the presence in this city of two or three thousand old soldiers, Federal and Confederate. It would probably result in a speedy and effectual settlement of the whole Mormon business, for with such men here in force the nation's flag would not be insulted with impunity." (*Salt Lake Tribune* of July—1885).

30. See *Butte Miner* of 19th of July, 1885.



a mammoth Sunday school convention in the Tabernacle.<sup>31</sup> Things looked ominous; but strangely enough the United States flag throughout the United States, as also in Utah, was at half mast that 24th day of July, 1885; for ex-President of the United States, U. S. Grant, at Mt. McGregor, New York, after a lingering illness, died at 8.08 on the morning of the 23rd of July. Everywhere the flag was placed at half-mast, and the threatened crisis in Utah passed without a conflict.

About this time, near the close of the year, 1885, another incident occurred which produced great excitement. This was the McMurrin-Collin affair. Joseph W. McMurrin a young night watchman at the Church tithing office was coming through an alley way north of the old Social Hall, on State street—the alley cutting in two the block between South Temple and First South street—when he suddenly came in contact with Deputy U. S. Marshal Henry F. Collin. It was about 7.30 p. m. when the men met, and being the 28th of November, it was dark by that time. The two men had previously had some words on the occasion of the deputy marshal subpoenaing witnesses in connection with the case against young McMurrin's father for unlawful cohabitation. Meeting thus suddenly in the dark, McMurrin as he recognized the deputy marshal struck at him, when the latter dodging the blow and having his pistol in hand, placed it against McMurrin's abdomen and fired twice both shots taking effect. After this the men sprang apart, the deputy marshal running eastward up the alley, in which he lived, and McMurrin staggering westward out of the alley and thence a few rods northward where he sank down at a gate way between two residences, helpless but conscious. To a man passing—William Lloyd, a shoemaker on his way home—he called for help, telling Lloyd he was shot. The latter started to the police station near by for help and met officers who had heard the shooting running in the direction of the firing. The wounded man was taken to the City Hall, and as

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31. After reviewing the many war-like preparations that were under way for the 24th of July in Salt Lake City the *Deseret News* in an editorial said: "But the 24th will be a holiday, having been made so by law. The occasion will be used as a fitting opportunity for a Sunday-school jubilee, the program for which has been arranged by Assistant Superintendent of the Sunday School Union—Bro. Geo. Goddard." *News—Weekly*—of July 29, 1885, p. 439.





he was supposed to be dying he made a statement which he signed setting forth the above facts in the case.<sup>32</sup>

The deputy marshal's story was that to avoid three men standing near the Social Hall entrance he crossed to the north side of the alley where he encountered McMurrin with the result stated.<sup>33</sup> Collin claimed that some five or six shots were fired besides those which he fired at McMurrin, presumably, according to his version of the affair, by those men near the Social Hall whom to avoid he crossed the alley and met McMurrin.<sup>34</sup> The latter, in his supposedly dying statement, says that he returned the fire of the deputy marshal.<sup>35</sup>

Such the story. On the one side it was regarded as an attempted murder by a deputy marshal at an accidental meeting in the alley way; on the other it was the way-laying of a faithful officer of the law by a gang of "Mormon thugs" to take his life.

The important thing about the incident is its influence upon the affairs of the community. For ridiculous as it may seem the matter became a national incident—a matter for municipal investigation, of a report to the President of the United States, of sending additional U. S. troops to Utah, of establishing a provost guard in Salt Lake City to keep the peace. The development of all this was as follows:

The Salt Lake police officers got out a warrant for the arrest of Collin; but the deputy marshal had fled to the federal officers for protection, and when an attempt was made to serve the papers on the deputy, U. S. Marshal Ireland, to whom Collin had fled, refused to allow the papers to be served. He had taken Collin to the penitentiary for his safety, claiming that his life would be in danger from mob violence if given into the custody of the police authorities. Meantime Governor Murray, accom-

32. The statement will be found in *S. L. Tribune* of Dec. 17th, 1885, in account of *habeas corpus* proceedings for the release of Collin. Also in *Deseret News—Weekly*—of Dec. 23d, 1885.

33. Collin had been assaulted on the street a few days before this—on the 10th of November, by Deputy Sheriff Andrew Burt, for which the latter had been fined \$25 in the police court, and hence Collin's apprehensiveness that led him to carry his pistol in his hand, ready for instant use. This assault on Collin grew out of his charging Burt with being a "spotter" against the federal officers. *Deseret News—Weekly*—of November 18, 1885.

34. See report of the case in *S. L. Tribune* for Nov. 29th, and Dec. 1st, 1885.

35. "Put down that I returned that fire in the excitement, but then I guess I missed him." McMurrin's supposedly dying statement.



panied by Marshal Ireland, went to Fort Douglas and made such representations to General McCook of the danger of riot in the city, and at the penitentiary that the General was induced to send a military guard of twenty-five soldiers with two commissioned officers, to bring Collin from the penitentiary to Camp Douglas for safety. Each soldier was provided with thirty-five rounds of ammunition, and was supposed to be facing a serious danger. Arriving at the prison to their great astonishment they found all quiet, "the only sign of life being the guards, as they slowly paced back and forth, and two or three buggies in which visitors had come to see some of their friends."<sup>36</sup> Collin was taken to Fort Douglas without a ripple of excitement. The governor and marshal now represented to General McCook that "the Mormons" were holding meetings in every ward in the city, discussing the situation, and seriously warned the General that unless great precautions were taken the Fort itself would be attacked. "Accordingly extra guards were stationed, and careful measures were adopted to provide against such an event."<sup>37</sup> Still in the city there was no sign of riot or of uprising on the part of the people.

On the 1st of December, two days after the McMurrin-Collin incident occurred, the Salt Lake Tribune had said:

"We seriously think that, in addition to perfecting measures of self-defense, the Gentiles should *en masse* petition the president to place the Territory under martial law, and give some discrete, just, and brave soldier the position of military governor, and back him with such force as may be necessary to command peace and to enforce the laws."

There was no petition *en mass* made to President Cleveland, but Governor Murray, Marshal Ireland, and U. S. Assistant District Attorney Varian made representations to President Cleveland that there was danger of a Mormon uprising; that the property and lives of non-Mormons was insecure; that military protection was necessary. Under these representations a battery of artillery was sent from Omaha to strengthen the military

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36. *Deseret News*—Weekly—of Dec. 9th, 1885.

37. *Ibid.*



force at Camp Douglas,<sup>38</sup> and about the same time it was announced that a provost guard of forty-five men under Captain Charles G. Penney of Company K, sixth infantry, would be stationed in the central part of the city.<sup>39</sup>

These representations to the national authorities and their results aroused the indignation of the city authorities, since they slandered the good name of the city and brought reproach to the whole community. The city council at once proceeded to an investigation of the charges of insecurity of non-Mormon property and lives with a view to the refutation of the slanders. The Council first telegraphed Utah's delegate in congress, Hon. John T. Caine, asking him to represent to President Cleveland that no excitement existed in Salt Lake City, and that the military measures were uncalled for.<sup>40</sup> The next move was for the city coun-

38. The announcement of this action produced a very hysteria of delight in the Salt Lake Tribune, the anti-Mormon organ, which proclaimed the coming of this battery under the following head lines:

GOD REIGNS!

AND THE GOVERNMENT AT WASHINGTON STILL LIVES!

IT WILL GIVE PROTECTION TO ITS OFFICERS AND CITIZENS.

A COMPANY OF TROOPS TO BE SATIONED IN THE CITY.

A BATTERY OF ARTILLERY EN ROUTE FROM OMAHA.

(Salt Lake Tribune, of Dec. 5th, 1885).

39. The guard established its station in the city on the 7th of Dec., *Deseret News*—Weekly—of Dec. 9th, 1885. On all this "hurrah," the *Deseret News* made the following comment: "Once more an attempt has been made by our unscrupulous enemies to bring about a collision between the people of Utah and the government of the United States by means of the military. And once again it has failed, but falsehoods that have been sent abroad by the press and the telegraph will be to some extent believed in the world, and the 'Mormons' will be viewed as a turbulent set, while the truth is, that everything is as quiet and peaceful in Utah as self-control and good order can make society anywhere. During the Satanic cry for martial law, there has not been the first indication of a riot, and the only person injured is a 'Mormon' night watchman who was shot in a dark lane by a U. S. Deputy Marshal with whom he had previously had some difficulty." (*Deseret News*—Weekly—of Dec. 6th, 1885).

40. Utah's delegate gave the despatch of Salt Lake City's mayor to the Associate Press, and it was sent out from Washington to all the papers of the country as follows:

"Salt Lake City, Utah, Dec. 7th.

To Hon. John T. Caine, House of Representatives, Washington, D. C.

We understand that representations have been made to President Cleveland that there is danger of an uprising on the part of the Mormons; that the property and lives of non-Mormons are insecure, and that military protection is required. The City Council is making an official investigation and have invited both the federal and military officials, and all others having information bearing on the matter to appear and testify. The investigation has proceeded, and was enough to demonstrate the utter falsity of these rumors, and that no foundation exists for them in fact. A battery of artillery arrived from Omaha today, and a company of troops is quartered in the city, ostensibly to protect citizens and property. Represent the matter fully to President Cleveland and immediately, stating that no ex-





cil in special session, December 5th, to determine upon an investigation of the rumors of threatened lawlessness in the city, and to this end a communication was sent to a large number of federal officials, including Governor Murray, Secretary of the Territory Arthur L. Thomas, Marshal Ireland, U. S. Assistant District Attorney, C. S. Varian, the military authorities at Fort Douglas, and many prominent gentlemen of Salt Lake City, inviting them to attend said investigation, and to furnish the City Council any information concerning the rumors "affecting the peace and welfare of the city" that might be in their possession. E. W. Grosbeck, First Lieutenant, Adjt., Sixth Infantry replying from Fort Douglas, said he had no knowledge of the origin of such rumors, and knew nothing which to him seemed of material value, or that could aid the council. The legal restraints of his office would not admit of his appearing before the council. C. S. Varian, U. S. assistant district attorney, said that the obligations of his office would prevent his attendance, but desired to be advised of any facts that might aid his office in its endeavors to secure the public tranquility and enforce the laws. Governor Murray stated in reply to the invitation to be present at the investigation, etc., that he had been engaged in investigating and communicating for the information of the President of the United States the condition of affairs pertaining to the peace and welfare of the people of the city and Territory. He was pleased to learn of the city's determination to investigate rumors, and would be gratified to receive from them any facts bearing on the subject that might be of service to the President, the governor or the district attorney; the last being described as charged with the duty of prosecuting offenses against the laws and declared that it would afford him pleasure to support the mayor in his efforts to preserve the peace. Of course he did not attend the investigation.<sup>41</sup>

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citement exists, and that these measures are uncalled for and entirely unnecessary. The property and personal safety of all citizens are perfectly secure.

(Signed) James Sharp, Mayor of Salt Lake City, Utah."

Delegate Caine conveyed this information, and more as the investigation proceeded at Salt Lake City, to President Cleveland. Two letters sent to the President on the subject from Delegate Caine will be found in *Mill. Star*, Vol. XLVIII, pp. 20-22 and 69-70.

41. All these communications will be found in Tullidge's *Hist. of Salt Lake City*, pp. 88-9.



The inquiry was prosecuted vigorously, and such rumors as had taken definite form, and were reported to the city officials, were refuted. Among these was the gathering of armed men into the city:

That armed men lined the road to the penitentiary for the purpose of taking U. S. Deputy Marshal Collin from the custody of the U. S. officers;

That threats were made to lynch Collin after the shooting of McMurrin;

That quantities of arms and ammunition were secreted in general tithing storehouse;

That the "Mormons" were arming themselves and organizing under the direction of their leaders, and that in the outer settlements they were held in constant readiness to reach at a moment's notice Salt Lake City.

The whole review of conditions ended in the adoption of the following resolution:

*"Be it resolved by the Mayor and City Council of Salt Lake City, that the reports or rumors of any condition of affairs other than of the most peaceful character prevailing at the present time in this city, are false.*

*"That at no time in the history of this city have the lives and property of its non-Mormon inhabitants been more secure than now.*

*"That the reports to the contrary have been accredited and circulated by federal officials of this Territory for some purpose best known to themselves.*

*"That to the extent they or any others have circulated these false reports abroad, they have defamed the city and injured its people."<sup>42</sup>*

Of the original parties to this incident, Collin was released on bail on the 16th of December; and in the month following, after several days examination before commissioner McKay, he was discharged from custody. Joseph W. McMurrin, though so dangerously wounded, did not die;<sup>43</sup> but under the circumstances

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42. All the official documents in the case will be found in Tullidge's Hist. S. L. City, pp. 887-891.

43. The recovery of McMurrin was regarded as miraculous by his friends. Attendant surgeons and physicians from the first thought his wounds would prove fatal. But he was visited by two of the Twelve apostles of the Church who



then prevailing in Utah it was thought prudent by his friends that he go into seclusion rather than to meet the issue at that time which his encounter with Collin had brought about. What with the packing of juries that then prevailed at the instance of anti-Mormon prosecuting officers, a Mormon went not to his trial, but to his doom. Hence under the advice of his friends, when convalescence began, McMurrin went into retirement, to avoid examination before a hostile court and prosecuting officer. After the lapse of several years—most of which time McMurrin spent in the British Isles,—he gave himself up to the officers of the law, but no indictment or charge was found to exist against him, and as Collin had meantime left the Territory, and as so much time had lapsed since the affair happened—five years—no one seemed to have any further interest in the matter, and no inquiry was made by the courts.

The general conferences of the Church, annual and semi-annual, during the troubled years of 1885 and 1886, and the April conference of 1887, were held in other places than Salt Lake City, two in Logan, two in Provo, and one in Coalville, Summit county. This action on the part of the Church authorities was met with loud protests from the Gentile merchants of Salt Lake City. At these annual and semi-annual conferences the Salt Lake merchants, Gentile as well as Mormon, reaped a regular annual and semi-annual harvest of trade. Literally thousands of people, many of them from the remotest settlements of the Saints, not only in Utah but from the whole inter-mountain west came regularly to Salt Lake City to do their spring and fall buying, induced thereto by the reduced railroad rates for the conference. Hence great disappointment and vexation was felt and expressed by the Gentile merchants when this *coup* was adopted by removing the conference to other places than Salt Lake City, which resulted in very few from the outside settlers coming either to the conference or to trade.<sup>44</sup>

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anointed him with oil and blessed him with the laying on of hands—the ordinance of the Church for the healing of the sick—and they promised him recovery, and life and health. He speedily recovered, regained perfect health, and is now—1915—still alive, and a member of the First Council of the Seventy in the Church, and active in his duties.

44. The *Millennial Star* thus commented on the situation when the April conference of 1885 was announced to be held in Logan. "Some of the Gen-





In 1886 the Gentile population of Salt Lake City, or at least the leaders of the anti-Mormon crusade among them, took advantage of the passage of the large eastern companies of the Grand Army of the Republic through the city, *en route* for San Francisco—where the great G. A. R. encampment was to be held that year,—to hold “camp fires” in a large skating rink in the heart of the city. The meetings began on the evening of the 24th of July, 1886, and were held also on the evening of the 29th, 30 and 31st of July; also on the first of August. At the meeting of the 30th, General John A. Logan, of national fame, delivered a really great speech on the character and power of the American government.

The anti-Mormon local crusaders supplied the texts to such speeches as were made by the visitors; and a bitter anti-Mormon flavor was imparted to each camp-fire gathering—hatred and rage chiefly characterized what was said. Nearly every speech by a local man—in every instance a federal office-holder or local missionary of one or the other of the Christian sects—urged the use of the influence of members of the G. A. R.—said then, 1886, to have a membership of 500,000—on their return home, to bring to pass more stringent anti-Mormon legislation, preferably the disfranchisement of the whole people, or the establishment of a legislative commission form of government for the Territory; and if these measures were to fail, then to invoke the military power to destroy the Mormon Church. There was scarcely any legislative or military extravagance that was not invoked by the local anti-Mormon crusaders, and in turn pledged by the G. A. R. visitors. One of the mottoes which decorated the

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tile merchants in Salt Lake City were furious over the change, as they generally do an immense amount of trading with the thousands of people who assemble in that city for conference; but it is not necessary that *their* wishes and interests should be consulted in the matter. When it is remembered that a portion of the means thus obtained from the Saints, goes to sustain the unrighteous efforts made to deprive them of their rights and liberties, we see no cause to regret the change that thus measurably deprives our enemies of a source of revenue. It will be a great blessing to Logan in many ways, and is no doubt highly appreciated by the inhabitants of that thriving city, the metropolis of northern Utah.” Vol. XLVII, p. 233.

The conferences during the years named were held as follows: 1885—Annual conference, April 5th to 7th, Logan, Utah; Semi-annual, Oct. 6th to 9th, Logan, Utah. 1886—Annual conference, April 6th, and 7th, Provo, Utah; Semi-annual, Oct. 6th to 8th, Coalville, Utah. 1887—Annual conference, April 6th to 9th, Provo, Utah.



hall in which the meetings were held, and several times commented upon, was—

*"Our Loyal People Welcome the Country's Veterans."*

From which "people" it was quite generally agreed the "Mormons" were excluded. General Beaver, of Pennsylvania, said in his speech, "It was something new to him, this intimation that a portion of the people were disloyal. . . . The idea of disloyalty conveyed by the motto made the heart of every man who had worn the blue beat as it had not done for twenty years." If there was a disloyal organization that defied the government, "then it was the duty of every man who wore the blue to step forward and assist in putting down that organization." Chaplain Jackson of Fort Douglas, a few minutes later, assured him there was such an "organization in Utah." Rev. Dr. Dunning, of Boston, had heard "one old sinner" (presumably in Utah), say this country, the United States, "was one of bondage." "It was," said the divine, "until the boys in blue broke through and gave liberty to the slaves of the south; and if necessary they would do it again, and bring freedom to the slaves of Utah—the women." Another visiting speaker, Col. Jones, of New York, "did not believe there was any religion in the Mormon question. He had not seen a women, unless she was a Gentile, smile since he came to Utah. The G. A. R. boys were used to fighting, and stood next to the Church. If the government wanted any help to solve this question, it should call on them. As the Almighty had raised an army to destroy slavery, so would he raise an army to put down Mormonism, if there was a necessity for it." A local attorney, Chas. W. Bennett, said there was less liberty in Utah "than anywhere else, than in Russia, or in Ireland, the worst governed people on earth. The people in Utah were as un-American as were Fiji Islanders. . . . The sentiment of the country had been against Mormonism, but it had grown;—the help of the nation was needed to put it down. It should be made a personal matter with every congressman. Those present if they gave their assistance could do much to settle the question."<sup>45</sup>

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<sup>45</sup>. See Salt Lake Tribune for 31st of July and 1st Aug., 1886. *Deseret News*—Weekly—of Aug. 4, 1886.



The U. S. district attorney for Utah Mr. Dickson, declared in one of the camp fires that "The Mormon Church was steeped in disloyalty. . . . One of its prime purposes was the overthrow of the American home. The people who are the adherents to the Church were steeped in disloyalty. . . . He had it from good authority that when Lincoln was assassinated and the news reached here (i. e. Utah) that Brigham Young then governor (sic!) could not repress his exultation."<sup>46</sup> . . . The authorities of the Church are disloyal, and why should the nation hesitate to wrest from these disloyal citizens the ballot? There is nothing Un-American in it."<sup>47</sup> . . . We [i. e. the Gentiles, I do not know if Mr. Dickson had any right to speak for them] do not ask for any offices; we only ask that the power be taken away from the 'Mormon'. We can never reach the root of the evil here, until the civil power is taken from them. All we ask is for Congress to take the government. The Gentiles are willing to have the ballot taken from them. They are willing for congress or a commission appointed by the President to rule. This would not give the Gentiles the power. The only successful measure will be to strike the civil power from the 'Mormon' people."<sup>48</sup>

All which sounds very like the pleading of the mother of the dead child, before King Solomon, for the cutting in two of the live child, Mr. Dickson would rather have the right of local government slain, to sacrifice the Gentile right of suffrage, if only the federal government would take away the political rights and power of the Latter-day Saints. "When the G. A. R. return [i. e. to their homes in the east] enlightened by what they have heard of the 'ulcer,' " said Mr. Conrad Smith, of Missouri, "they would give what aid they could until Utah was fitted to become one of the sisterhood of States."<sup>49</sup> General Maxwell, local attor-

46. The revamping of an old slander many times refuted.

47. This was before the passage of the Edmund's-Tucker law, which did in effect the things here urged by Mr. Dickson.

48. See Salt Lake *Tribune* impression of *Deseret News*—Weekly—of Aug. 4th, 1886.

49. This speaker rather belittled the representations made concerning the "Monstrous Evil" by Mr. Dickson. He looked upon it rather as "a small boil on the arm, as compared to the ulcer which had afflicted the whole side of the nation in the days of the civil war. The boil might be ready to have the core taken out, and if so it should be done. . . . They [the G. A. R.] should not worry about





ney and member of the local G. A. R. organization, and formerly U. S. marshal for Utah, "warned the visitors that the G. A. R. post [at Salt Lake] would see to it that they [the visiting posts] kept their promises to put 'Mormonism' down."<sup>50</sup> There was much more of like import and in spots more bitter,<sup>51</sup> but the above will indicate the character of these historical "camp fires" of the G. A. R. held in Utah in the year of grace 1886. How far they ministered to justice to a community sorely beset by many foes, and a religion "every where spoken against," readers of this History must judge. The spirit in which the meetings were held—and that is my concern here—is represented by what is here set down.

With the advent of a national Democratic administration in 1884, a somewhat radical change had been looked for in the administration of Utah affairs, by a change of federal officers. The Democratic Party's principles place more emphasis upon the right of the local community to self government than Republican party principles do; the Democratic platform of 1884 had contained no anti-Mormon plank, and had declared in favor of choosing federal officers for the Territories from "among citizens previously resident therein."<sup>52</sup> But the party was also pledged to "honest civil service reform."<sup>53</sup> and this was some-

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the insignificant question in Utah, but should teach the people what citizenship should be, the law should be supreme, and the Church and state should be separate." *Ibid.*, as note 127.

50. *Deseret News*—Weekly—of Aug. 4th, 1886, p. 457.

51. For instance, when the Rev. T. C. Iliff spoke "He welcomed the G. A. R. visitors in the name of all the churches, and mentioned each with the exception of the 'Mormon Church.'" He also said: "were my Church not loyal to the flag, I would turn my back upon my Church forever." Judge McBride, a resident of Salt Lake City, said, "The Children here [Utah] were taught to hate the United States government, and to avenge on it the wrongs their people had suffered. . . . The franchise should be taken from them [i. e. the Mormons] . . . The government of the Territory was organized rebellion. Under the name of a 'church,' it is organized treason, that teaches lying, perjury and treason, and ought to be throttled at the earliest opportunity. . . . This 'Mormon' Church should be taken by the throat, and a just government made to exist in Utah" (*Deseret News*—Weekly—of Aug. 4th). Corporal Tanner of New York, visiting speaker, said: "I have two boys who, if I thought their hearts would grow up with any paliation for Mormonism—as God lives I would rather lay them in the grave when I go back." *Deseret News*—Weekly—of Aug. 11th, S. L. *Tribune*.

52. See Democratic Platform for 1884, Cooper's American Politics Bk. II, p. 71. The Republican platform contained a similar passage respecting federal appointees in the Territories but was immediately followed by a strong anti-Mormon plank. (*Ibid.*, p. 75).

53. *Ibid.*, p. 71.



thing of a hobby with President Cleveland,<sup>54</sup> and it was his policy to make no changes in the appointments of his predecessor except for gross misconduct or the expiration of the terms for which they were appointed. In the case of the Utah federal appointments another reason operated to make the changes slower, *viz*, a too hasty dismissal of those who had been extremely zealous and active in suppressing polygamy and polygamous living would subject the administration to the charge of favoring the "Mormons" and "Mormonism," for which there was no compensating gain since the "Mormons" possessed no political power, to affect national parties for good or ill. The anti-Mormon crusaders in Utah appreciated this fact and recklessly increased the bitterness of the judicial crusade and their general anti-Mormon course, confident that the administration would not dare invite the censure of public sentiment by removing them.

This policy, however, the federal officials in Utah followed too far. In his dealings with the 1886 legislative assembly, the 27th of the Territory, among many other bills vetoed by him,<sup>55</sup> Governor Murray vetoed the general Territorial appropriations bill, which very greatly interfered with the administration of government in Utah in all its departments. Four days after the act Governor Murray was practically dismissed from office by the administration at Washington, through the Secretary of the Interior, telegraphing under date of 16th of March, 1886, for his resignation.<sup>56</sup>

to permit the disbursement

54. The army of place hunters in Washington," at the inauguration of the first Cleveland administration, "were disappointed. They surged through the corridors of the various department buildings, camped in the hotels and parks, invaded the private offices of the chiefs of bureaus and made difficult the orderly transaction of current business. But for the first time in the history of the Republic, a change in the political complexion of the national administration did not involve an immediate and sweeping change in the minor officers in the gift of the government. . . . for the time being, office hunting was deliberately discouraged." Hist. U. S. Bryant, Gay & Brooks, Vol. V, p. 554. Civil service reform, notwithstanding serious drawbacks made substantial progress during President Cleveland's term," *Ibid.*, p. 565.

55. The legislature had been in session for sixty days; 88 bills had been introduced in the house and 46 in the council. Of these 62 were passed and sent to the governor, who vetoed 15 of them, 10 he ignored, which was equivalent to vetoing them, and 37 received his sanction. Among the bills vetoed was the general Territorial appropriation's bill. See summary of bills and the fate that befell them, in Legislative proceedings, *Deseret News—Weekly*—of March 24th, 1886.

56. Murray had informed the secretary of the Interior, L. Q. C. Lamar, through Justice Harlan of the supreme court that he would tender his resignation



Governor Murray's chief reason for vetoing the general appropriations bill, as set forth by himself in his veto message, was that the money would be subject to disbursement by the Territorial treasurer and accounted for by the Territorial auditor, whom he insisted were not legal officers, not being appointed in the manner prescribed by the organic Act of the Territory—which question was pending before the supreme court of the United States.<sup>57</sup> The governor was well aware that great inconvenience would ensue to the Territorial government from this action, it would "suffer for want of funds necessary to carry it on;" but he indicated what he doubtless thought might be done to avert catastrophe, what his hope was and what would further his purposes, in taking from the Territorial treasurer and auditor the handling of Territorial funds, viz. "that congress may appropriate the moneys collected here, and disburse them through agencies chosen by itself."<sup>58</sup> Instead of this course being followed, the Governor's resignation was demanded.<sup>59</sup> Nat-

when ever the President desired it. So that when the climax of reckless conduct came in the vetoing of the general appropriations bill it was only necessary for the secretary of the Interior to say. "The President directs me to say that he will be pleased now to have your resignation as Governor of Utah Territory. R. N. Baskin had been appointed the day before the receipt of this telegram as a delegate chosen by the non-Mormons of Utah to represent them in Washington, and Mr. Murray telegraphed Secretary Lamar that Mr. Baskin on his arrival at the capital would place his resignation in the hands of the President. Both dispatches will be found in the *Deseret News—Weekly*—of March 24th, 1886, under the caption—"kicked out!"

57. "This bill," said Governor Murray in his veto message, "contemplates the continuance in authority of the present usurping incumbents of the offices of Territorial Auditor and Treasurer, and to permit the disbursements of the public moneys through these agencies. "If the Legislative Assembly proposes to sanction the usurpations of these officers, which by this bill it will do; permit persons lawlessly occupying responsible positions—even more, the most responsible in the Territory to its people—without and in violation of law, to receive, control, keep and disburse the moneys, collected by taxation from the people, then I wish to state, with emphasis, that it cannot have my sanction. Officers who have to do with the public funds, are of all others, to be held up to strict account. Least of all others, there should be no question as to their title, their authority or qualifications." (The message in full will be found in *Deseret News—Weekly*—of March 24, the 1886, p. 146). The rest of the message was a glorification of his own course of action while Governor of the Territory—and his determination to bring Utah into harmony with the national law, etc.

58. *Ibid.*

59. While vetoing the general appropriations bill was the immediate cause of asking for Governor Murray's resignation, it was not the only reason. Misrepresentation of the alleged threatened uprising of the Mormons against the federal government, sent out from Salt Lake City by Governor Murray and his Anti-Mormon associates had quite as much to do with it according to the Washington correspondent of the *New York Herald*. "The President has been fully advised," said that correspondent, "in regard to Murray's conduct, and he was perfectly satisfied





urally, on the side of the Latter-day Saints, the demand for the resignation occasioned rejoicing; on the part of the anti-Mormon Ringites, it occasioned dismay; for Governor Murray served their interests with fidelity, and the demand for the resignation was unlooked for, and, from their standpoint, undeserved.

Public acknowledgment of the now ex-governor's services in the Territory was made by a Gentile gathering at the Walker Opera House, on the 28th of March, where amid fulsome praise of his Utah career, and music by the Fort Douglas military band, resolutions, of appreciation were adopted;<sup>60</sup> after which

that in his veto of appropriations he was not actuated by worthy motives. Since Murray sent sensational telegrams to Washington in the early part of December, representing the imminence of an uprising by the Mormons, the President has been convinced that he was unworthy of confidence. He felt very much chagrined when he discovered the truth in regard to the situation in Salt Lake City, and that he had ordered thither additional troops. Subsequently it was charged to the President that the stories about a threatened Mormon revolt were concocted in accordance with an agreement entered into at a meeting of Murray and his friends at the Walker House in Salt Lake City, and that the object was to create a public apprehension, which would further his personal interests. The veto of the appropriations made by the Utah Legislature the President considered an indefensible and wanton exercise of authority. He made a careful examination of the subject, and found that Governor Murray could find no objections to the appropriations themselves, but because the Legislative Council would not confirm his nominations to Territorial offices he spitefully refused his assent to the bill." . . . Mr. Baskin, who is coming as the representative of the Utah Gentiles to urge Congress to enact measures to disfranchise all Mormons in the Territory and to turn over the government thereof to the one-twentieth who are anti-Mormons. It is supposed that a desperate effort will be made to induce the President to let Murray remain Governor a little while longer. It will be without avail. The President is determined on Murray's removal." (New York *Herald* quoted in *Deseret News*—Weekly—of March 21st, 1886). Under date of March 10th, John T. Caine, Utah's delegate in Congress, wrote President Cleveland very fully respecting these matters, and his letter must have been convincing to the President since the demand for his excellency's resignation followed six days later. The delegate forwarded with his letter of the 10th the official report of the municipal council of Salt Lake City, denying the charges of the likelihood of riot and of prospective Mormon uprising in Utah. "I am sure that you will be convinced, after reading the official report of the city council," said Mr. Caine, "that the federal officials grossly misrepresented the character of the 'Mormon' people, and there was not a scintilla of truth in the statements they made to you of danger to life and property at the hands of lawless men inspired by 'Mormon' leaders." (Letter of Caine to President Cleveland, *Mill. Star*, Vol. XLVIII, pp. 69-70). So incensed was the President at the part which General McCook took in these Utah affairs that he was transferred from Fort Douglas to Fort Leavenworth, Kansas, and placed in charge of the military school at that place. See Whitney's Hist. of Utah, Vol. III, p. 503.

60. The resolutions included among the *Whereases* the complete document of Murray's resignation, which expressed the hope that President Cleveland would give Utah a governor who would "do his utmost to secure, and to further extend good government in Utah," "in the establishment of which," he concluded, "I have given over six years of faithful service." This meeting endorsed the action of a previous meeting of March 15th appointing R. N. Baskin as the representative of the Non-Mormons of Utah to proceed to Washington "and use his influence in procuring from congress further needed legislation for Utah."



a good part of the audience called at the ex-governor's residence to deliver the resolutions—since he was not present at the Opera House meeting; whereupon there was more speech-making, and mutual felicitation on the part of the leading spirits of the meeting—H. W. Lawrence, Judge Zane, Marshal Ireland, U. S. District Attorney Dickson, Chas. S. Varian, *et al.*<sup>61</sup>

Commenting on Murray's dismissal the *Deseret News* said:

“We are sorry for Murray, but we congratulate the Territory on being relieved from an executive who has never been in harmony with the people. . . . We do not trample upon a fallen foe. We hope the gentleman will find congenial society elsewhere. He is a free hearted and hospitable southerner, with many generous impulses and social qualities, and in other scenes may gain more pleasure, honor, and success than he has obtained in Utah.”

Other changes in Utah federal officials soon followed. Judge O. W. Powers had for some time officiated as U. S. district, Judge, in the first judicial district, though his appointment had not been confirmed by the U. S. Senate. His nomination had met with such pronounced opposition from his political opponents in Michigan, from which state the Judge hailed, that President Cleveland on the 12th of April withdrew his nomination, apparently to avoid refusal of confirmation of his candidate by the senate. The fight against the Judge was independent of the “Mormon” question, and the reasons urged for his rejection were based on his conduct before coming to Utah. But as he had taken an extremely anti-Mormon attitude in respect of the anti-polygamy prosecutions, especially as to the segregation policy of the courts in unlawful cohabitation cases, the withdrawal of his name by President Cleveland was gratifying to the Latter-day Saint population of Utah.<sup>62</sup>

Marshal Ireland's term of office expired in June, 1886, and he was succeeded by Frank H. Dyer, a resident of several years standing in Utah but originally from the state of Mississippi.

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61. A full account of the speech-making resolutions, etc., will be found in *Salt Lake Tribune*—Daily—impression of March 30th, 1886, and in *Deseret News*—Weekly—of March 31st.

62. See editorial in *Deseret News*—Weekly—of April 21st, 1886, p. 216.



None of the federal officials of the Murray regime in Utah were bidden a more hearty "good-riddance" than Marshal Ireland. He was an illustration of the truism that weakness is often more despised than wickedness, and more severely censured, and punished. "His whole official career," said the *Deseret News* in commenting on his retirement from official life, "has placed beyond doubt the fact that upon every matter demanding decision of character he is one of those limber individuals who acts on borrowed resolutions. . . . His servile attitude [i. e. to the anti-Mormon Ringites] was so marked . . . that it has become a common observation that to the parties who shaped his official acts, he surrendered his manhood."<sup>63</sup>

About a year later the Washington administration demanded the resignation of Mr. W. H. Dickson, U. S. district attorney for Utah since April, 1884, at which time he succeeded Philip T. Vanzile. He, too, had been relentless in his prosecution of one class of offenders against the law-Mormons for violations of the Edmund's law,—and beyond question had exceeded the law's limits in his desire to achieve his ends, which may not be allowed always to have been solely patriotic, though that quality is claimed for them. Too much personal bitterness entered into his work to admit of that claim. Mr. Dickson, U. S. Marshal Ireland, and U. S. Commissioner McKay, constituted a triumvirate of prosecutors in the Territory of the third judicial district, which created a reign of terror for a time in Utah, that looked to the production of a political revolution rather than to the calm administration of the law; which calm administration

63. *Deseret News*—Weekly—of June 30, 1886, p. 375—"Exit Ireland." In anticipation of the removal of Marshall Ireland, about the time Mr. Dyer was placed in nomination for the place in April, the *News* said: "The nomination of Frank H. Dyer for the Marshal ship of Utah means the end of Ireland's official career, which coupled with the removal of Powers and following the decapitation of Murray, is a matter for public congratulation. The official ship (Ireland) that is now going out with the tide will shortly be lost in the sea of oblivion. There never was much to him anyhow. He was but a tool in the hands of others. . . . Those who held the lash over him could whip him into line at will, those who worked under his direction could do as they pleased in their raids upon peaceable citizens. His official career is noted only for the excesses which have been committed in the arrest of witnesses and persons accused of infractions of the Edmunds law, and the lack of energy in regard to real and dangerous criminals. "The inauguration of the sneak system, the spotter and 'Paul Pry' method of nosing for information against peaceable people, and the forcible entry plan of intrusion into women's bedchambers, are chargeable to his administration as Marshal." (*Deseret News*—Weekly—of April, 21st, 1886, p. 216).





traditionally inspires respect for the law, and which is of the essence of its majesty. Also during the time of the triumvirate's existence, and not without reason, it was frequently charged that the piling up of fees was an incentive to the evil trio's pernicious activity.<sup>64</sup>

Mr. Dickson was succeeded by Geo. S. Peters of Ohio.

Judge Charles S. Zane who became chief justice on the 1st of September, 1884, was permitted to serve out his full term of office, September, 1888, when he was superseded by Elliott Sanford of New York, whose nomination was confirmed by the U. S. Senate on the 20th of July. A fourth judicial district was considered necessary for Utah, and provision was made for it by the appointment of John W. Judd, of Tennessee, to the new judgeship, at the time of Sanford's appointment. Judge Zane, despite some difference of personal character from the rest of the group of attorneys and judges who inaugurated the judicial crusade in Utah against the Latter-day Saints in 1884—the like of which is not elsewhere to be found in the history of American jurisprudence—will stand classed with them in history, as sharing in responsibility for the cruelty and injustice of that *regime* which marks the saddest period of Utah's history; and but for which Judge Zane's career in Utah would have been unblemished. It may be urged, of course, that the duty of the Judge was to administer the law, he was not responsible for its existence;

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64. For account of Dickson's resignation on demand of the department of justice, see *Deseret News*—Weekly—of April 20th, 1887. Also editorial on the district attorney's course *Ibid.*, p. 216. The following are excerpts: "The removal of W. H. Dickson from the office of district attorney for Utah—for that is what the imperative request for his resignation signifies—will be approved by all classes in this Territory except the fanatics, the virule anti-'Mormons,' and the Republican officials who profit from the fee-system, by which Uncle Sam is bled and 'Mormons' are mulcted to gratify their greed. It is the duty of the officers of the law to enforce and execute the law. In the performance of the duty they should be sustained. But they are not required to strain and exceed the law, in malignant hatred of a creed and its adherents, or an excessive eagerness to pile up an income from fees. . . . We do not interpret this removal as by any means an indication that the laws are not to be enforced against the 'Mormons,' but as an evidence that the administration is not favorable to persecution in the name of the prosecution, and simply desires all the laws to be administered and executed with equal zeal and justice. Spite, passion, personal animosity and vengeance in a given direction are incompatible with the proper administration of justice and even when indulged in toward so unpopular a people as the 'Mormons' cannot be upheld by a government that views all men as equal before the law. The present action is in support of the law, because it is a rebuke to official unfairness and partisan excess."



and that is true. But there is administration and administration. Much discretion is lodged with the judge in the administration of the law, that there may be elasticity in its application, and the ends of justice thereby more surely attained. But in this particular class of cases—unlawful cohabitation cases—where men in the dock were every whit as sincere in their convictions of the rectitude of the course they followed as was the judge upon the bench in his—there Judge Zane could not divorce himself from his deep-seated prejudice and vindictiveness against this class of offenders and their religious faith; nor frame a less severe penalty than the extreme penalty allowed by the law; and this he sought to augment by the strained devices of the segregation policy of the courts in Utah by which a single offense, under the law could be divided and subdivided into an indefinite number of offenses. For the inauguration of this policy in the courts Judge Zane was responsible, who ever may have first conceived the iniquitous scheme.<sup>65</sup> Happily, though not without much difficulty, it was, as we have already seen, quashed by an adverse decision of the supreme court of the United States.<sup>66</sup> In

65. There is some question as to whether Judge Zane conceived the idea or only adopted it. But the question arose first in connection with the session of the grand jury of the September term of court for 1885. Evidently Mr. Dickson had urged upon the grand jury the finding of a segregated indictment for the unlawful cohabitation, whereupon the jury wanted instruction from the Judge, and accordingly were brought into court, and Judge Zane in answer to their question said, "An indictment might be found for any portion of time within the three years past (since the passage of the Edmunds law), in which the offense was proved to have been committed, whether it be for a year, a month, or a week, (See "District Court Proceedings," *Deseret News—Weekly*—of Sept. 23rd, 1885, p. 569. Also editorial *Ibid*, pp. 568 and 581.—The caption is "How much Farther.")

66. Of Chief Justice Zane on his retirement—to be only temporary however—the *Deseret News*, the organ of the Church of the Latter-day Saints, said, with becoming magnanimity: "Judge Zane has been called upon to decide very many important causes, not connected with the question of difference between a portion of our people and the nation at large. In these, we take pleasure to say, he has usually exhibited the characteristics and qualities of a learned lawyer and an upright jurist. He has sustained the cause of law and order and the rights of the people, their municipal authorities, their school laws and their city ordinances, in a manner that could not fail to gain the respect and admiration of the thoughtful and peace-loving, no matter what might be their religion or their politics. There have been many things in Judge Zane's administration which have been for the best interests of society here, and for which we think he should and will receive due credit. But we would not be doing justice to him nor to the facts in his case, were we not to allude to the other side of his career. In the prosecutions for polygamy and unlawful cohabitation, in fact in any cases that were connected with the 'Mormon' marriage system, he has appeared to the majority of the people here to be influenced by an animus that should never enter into judicial affairs. His rulings as to the signification of the law have been various and peculiar, and as we view it, the penalties inflicted were often unnecessarily extreme,



addition to the manifest animus of the Judge in unlawful cohabitation cases, he allowed himself to be very prominent in all the anti-Mormon agitation in which the anti-Mormon Ringites" of Utah engaged, so that Latter-day Saints brought before him for trial could but feel that they were going before a judge not only profoundly prejudiced against them, but before an enemy. As stated in commenting upon the Utah career of James B. McKean, so now, I may say—History has little concern with the private life and virtues of Judge Zane; it is with his career as connected with the administration of the Edmunds' law, especially enacted against the Latter-day Saints and aimed at the destruction of a principle and practice of their religion, that history is concerned with him. It is in respect of his administration of that law that History calls him to the bar for judgment. It is the historian's duty in respect of him, as in respect of all others, to set forth the facts of History in their true light; if nothing is extenuated, certainly nothing must be set down in malice, and that is what is here attempted. And History will be compelled to say that in Judge Zane's administration of the laws in respect of those cases which involved belief in and practice of the Latter-day Saint marriage system, there was much unnecessary harshness, and much that was extra judicial and spiteful in his course upon the bench;<sup>67</sup> and the proof of it comes from the over turning of some of his rulings and interpretations by the supreme court of the United States.

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particularly in cases when the defendants were only guilty of a technical infraction of the law, or rather of the construction placed upon it by the court. . . . Apart from what we view as his anti-'Mormon' animus, Judge Zane has been one of the very best Judges who has sat upon the bench in Utah. He is a lawyer, a man of dispatch, a dignified and gentlemanly Chief Justice. We entertain for him no ill will. We understand he intends to remain here and practice law. We hope he will achieve that success that his talents demand, and that he will find, in his experience among the 'Mormon' people, that they are not vindictive or revengeful, but ever ready to recognize merit and sincerely disposed to return good for evil." *Deseret News*—Weekly—of Sept. 5th, 1888, p. 534. As to Judge Zane's rulings concerning the law being "various," and "peculiar," and one might say contradictory see a review of them in the *Deseret News*—Weekly—of Sept. 23rd, 1885, p. 568, under the caption "*Inconstant, Unrighteous, Unmerciful.*"

67. On this head the *Deseret News*, commenting on the course of U. S. district attorney, Mr. Dickson and Judge Zane—"while the law has been strained to its utmost extent, and bent and warped at will to convict husbands and fathers on enforced and extorted testimony of virtuous wives and children, the law has been shrunk and contracted almost out of sight, and in some cases thrown away defiantly, to relieve the debauchee, the resorter to vile houses, the destroyer of chastity and the depraved and guilty libertine."—Weekly—impression of May 26th, 1886, p. 294.





Governor Caleb Walton West<sup>68</sup> arrived in Salt Lake City on the 5th of May; 1886. He was met at Ogden by a double delegation of citizens, one headed by Secretary of the Territory, Arthur L. Thomas, and, *ad interim*, acting governor, and the other by the Mayor of Salt Lake City, Francis Armstrong and members of the city council. Both gave the new governor hearty welcome to the Territory.<sup>69</sup> The day following his arrival Governor West took the oath of office before Judge Zane. On the 7th a public reception and ball was given in his honor at the Salt Lake Theatre, by the municipal authorities of Salt Lake City, which was said to surpass in brilliancy any such function that had ever preceded it in the history of the Territory.

Undoubtedly Governor West had come to represent the spirit in which the Cleveland administration desired to conduct the affairs of Utah so far as they were to be affected by action of the federal officers of the Territory. It was this fact which led the governor eight days after his arrival in the Territory to visit the brethren incarcerated in the penitentiary. This on the 13th of May,<sup>70</sup> it perhaps will be remembered that the supreme court of the United States had decided that it had no jurisdiction in the Snow cases coming before it on writs of error; and the court also, for the same reason—want of jurisdiction—vacated its judgment and recalled its mandate in the Cannon case, decided at the same term of court, but at which time the question of jurisdiction was not raised. All this “in order,” to use the language of the court itself, “that the reported decision may not appear to be a prece-

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68. Governor West like the man he succeeded, Eli H. Murray, was a Kentuckian. He was a Democrat, and in the late war between the states had fought on the side of the south. He was a lawyer by profession, and at the time of his appointment as Governor of Utah, was county judge of Harrison county. According to Whitney “he enjoyed the friendship of such men as John G. Carlisle (secretary of the treasury in Cleveland’s second administration), Senator Blackburn, and Governor McCreary, and it was through their influence that he became governor of Utah.” *Hist. of Utah*, Vol. III, p. 505.

69. See *S. L. Tribune—Daily*—of May 8th; and *Deseret News—Weekly*—of May 12th.

70. Whitney gives an account of a previous visit to the penitentiary by Governor West, and an interview with Elder Snow, this before the action of the Supreme court relative to lack of jurisdiction on writs of error in unlawful cohabitation cases. Reference to this former visit is made in the interview of the 13th of May (which see). The first visit is described in excerpts from Snow’s letter giving an account of it, and quoted by Whitney. It was merely a personal interview. *History of Utah*, Vol. III., pp. 507-8.



dent for the exercise of jurisdiction by this court in a case of this kind.”<sup>71</sup>

This decision left the interpretation of the Utah courts in respect of the Edmunds’ law in full force. Latter-day Saints involved in the plural marriage relations allowed by their Church, were thus at the mercy of the Utah courts, with packed juries of their avowed enemies, and judges whose gratuitous lectures and almost invariable sentences to the full extent of the law, but too plainly revealed the bitterness and spirit of hatred in which they administered the law.

Under these circumstances Governor West, with the approval of the United States District Attorney, Mr. Dickson, and chief Justice Zane—the two men perhaps most responsible for the above described judicial status of things—thought the time propitious for submitting to the brethren then imprisoned in the Utah penitentiary the question, if they would promise for the future to obey the law “*as interpreted by the courts.*” If so, these federal officials, and others, would petition the President of the United States to pardon them; while adherence to their promise would be their guarantee for immunity from further suffering, and the policy of course would doubtless apply to all who accepted it, outside as well as inside the prison.

With this proposition in mind Governor West accompanied by Marshal Ireland, Secretary Arthur L. Thomas, Mr. Adam Patterson (Court reporter), *et al*, appeared at the penitentiary, and held a conference with the brethren there incarcerated, first with Elder Lorenzo Snow, of the council of the Twelve Apostles, afterwards with the other brethren—forty-nine in all. The interview with Elder Snow was not very satisfactory. On the main points it ran as follows:<sup>72</sup>

“*Governor West*—Mr. Snow, I suppose you are advised of the action of the Supreme Court in your case?

“*Elder Snow*—Yes, sir; I have heard they concluded they have no jurisdiction in my case.

“*Governor*—Of course, you are aware that that determination by that court makes final the decision of that case by the Supreme Court here?

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71. U. S. Reports, 118.

72. Reported by Mr. Patterson.



"*Snow*—I suppose so.

"*Governor*—Under those circumstances, of course, that is now the law, because it is the decision of the highest judicial tribunal to which it could be submitted, and I conceived that it would be a very opportune time to call and submit to you a proposition, which, in conjunction with Judge Zane and Mr. Dickson, we have thought advisable to make, in order to show you and the people of the Territory that they are mistaken in believing that those charged with the execution of the laws in the Territory are animated by any spirit of malice or vindictiveness towards the people who are in the majority in the Territory; that on the contrary their only wish and only desire, one which is nearest to their hearts, is to have the people of the Territory obey and respect the law. Upon consultation with Judge Zane and Mr. Dickson, and they supporting the view that I have suggested, I have come to say to you and your people here that we would unite in a petition to the executive to issue his pardon in these cases upon a promise, in good faith, that you will obey and respect the laws, and that you will continue no longer to live in violation of them.

"*Snow*—Well, Governor, so far as I am concerned personally, I am not in conflict with any of the laws of the country. I have obeyed the law as faithfully and conscientiously as I can thus far, and I am not here because of disobedience of any law. I am here wrongfully convicted and wrongfully sentenced."

Of course the governor could not agree with this view which would require a repudiation of the ruling of the courts. The Governor renewed his proposition to which the reply was made:

"*Snow*—Well, now, Governor, of course, there is no use wasting time on this. If you ask me if I will renounce the principle of plural marriage I will answer you at once.

"*Governor*—No; that is not the question. The question I ask is will you agree, in good faith, sincerely, in the future to respect and obey the laws as interpreted by the courts, which I and every other good citizen ought to do and must do, and failing to do, will incur punishment."

Elder Snow replied that he had been asked that question in court and had declined to answer it.

"*Governor*—I understand that. That was a question that was asked you in court, and you had a right to decline to answer.





Now, I come with the earnest desire to save misery and trouble to the people with whom I am to be associated officially, and I have it very near my heart, if possible, to relieve the people here of a great deal of unnecessary suffering, because I am satisfied that all this suffering, so far as the protection of the peculiar institution which you have established is concerned, is useless; that it will do no good whatever—not one particle—and that all the sacrifices which you make and all the suffering that you endure will go for naught. I come with that spirit and with those motives.

“*Snow*—Yes, I presume so; but my views are entirely different from that—right directly opposite—the result will not be the one that you anticipate. I speak with knowledge, and you speak with your opinion. I speak in reference to knowledge; and am perfectly convinced that the result will be widely different from that which you state. No doubt there will be a great deal of suffering, but I, as one—and I presume it is so with the great majority of this people—am ready to take the consequences. We believe in a certain principle, and that principle is dear to our hearts and we are willing to suffer as the ancients did. We honor the law administered rightfully.”

At this point the governor suggested that since this suffering, present and prospective was and would be brought about by the attitude of mind on the part of the Latter-day Saints here disclosed by Elder Snow, the federal officers of Utah ought to be relieved from the charge of being to blame for the sufferings of the people, and of maliciously seeking to injure the community. “Common fairness,” said he, “should require you not to say, and not to publish to the world that you are being hounded, maliciously and vindictively pursued by federal officials who are entrusted with the administration of the law.” And this would be true if in the administration of the law, malice, vindictiveness, hatred, bitterness, cruelty, and an itching desire to increase the penalties of the law had not been constantly in evidence in its administration; and if these same judicial officers had not been hand and glove with political adventures and sectarian ministers in clamoring for still further inimical legislation to restrict their liberty and strike down the few remaining rights of the people.

The conversation took a wide range after this, with constantly widening differences of opinion between the parties, that manifestly could not be bridged. Finally the Governor went inside



the prison and to the assembled brethren made the same proposition that he had to Elder Snow, intimating in addition, however, that if they did not accept his offer, having in view the continuance of the segregation policy of the courts, they might look forward to perpetual imprisonment. This is the passage:—

*“Governor—You know that the effect of the decision which has been rendered and which is the law of the land, now beyond question and beyond controversy, is that if you get free here and continue in the same course of life that brought you here, that it is only a question of how long you live, as to how long you will be kept in a place like this. Now it is the desire of the federal officials here, if possible to relieve you from past punishment, if in the future you will be subservient and obedient to the laws. That is all I came for, and I came with the honest, earnest and sincere desire that as many of you as will accept of this opportunity, will relieve yourselves from this punishment, and not incur it in the future.*

*“Snow—Would you wish to take a vote on it?*

*“Governor—No, Sir. I don’t care for any expression now except that if any parties are willing they can say so now, and if not, I prefer to let it pass until they are willing.”<sup>73</sup>*

Under date of 24th of May the prisoners whom the governor visited made formal answer to his propositions. Gratitude for interest manifested in them by the governor, they said, prompted their answer, and they trusted that their reply would not be construed into a defiant attitude towards the government as their silence had been. The main part of their reply was as follows:

*“Of the forty-nine Elders of the Church of Jesus Christ of Latter-day Saints now imprisoned in the penitentiary for alleged violation of the Edmunds’ law, all but four had plural wives from its passage to thirty-five years prior to its passage. We were united to our wives for time and eternity by the most sacred covenants, and in many instances numerous children have been born as a result of our union, who are endeared to us by the strongest paternal ties. . . . So far as compliance with your proposition requires the sacrifice of honor and manhood, the repudiation of our wives and children, the violation of sacred*

73. The interview verbatim as reported by Mr. Patterson, who was court reporter for the 3rd District Court, is published in *Deseret News—Weekly—*of May 26, 1886.



convenants, heaven forbid that we should be guilty of such perfidy. Perpetual imprisonment, with which we are threatened, or even death itself, would be preferable.

"Our wives desire no separation from us, and, were we to comply with your request, they would regard our action as most cruel, inhuman and monstrous, our children would blush with shame, and we should deserve the scorn and contempt of all just and honorable men."<sup>74</sup>

Governor West after this tender of good offices—in which there is no question but what he acted in all sincerity, and out of a desire to help conditions in Utah—became pronounced in his sympathies with the anti-Mormon Ringites, doubtless regarding any proposed policy of conciliation with the Latter-day Saints on the basis of their subservient submission to the law as then "interpreted by the courts," as hopeless. On the 16th of July he issued a formal proclamation warning all violators of the law, as to the marriage relation, that they incurred and subjected themselves to heavy fines and imprisonment; and also warned all well disposed persons from associating themselves with any person or organization for the purpose of immigrating to Utah to enter into or maintain any marriage relation other than that allowed, and sanctioned by law; or to aid and abet others in so doing."<sup>75</sup>

In October the Governor made a report to the secretary of the Interior—agreeably to the request of that officer—"on the operations of this Territory, together with such suggestions of im-

74. *Deseret News*—Weekly—of June 2nd, 1886, p. 306.

75. "The Proclamation" complete is published in *Deseret News*—Weekly—of July 21st, 1886, p. 428. In one of his statements, on which his warning is based, the governor remarked: "Said Church in its places of worship through its public teachers and press openly proclaims the right and duty of its members to violate the law of the land upon the subject of marriage." This the *News* editorially denied: We challenge the truth of the statement. . . . It would have been well for the governor to make some citations which would bear out his charge. We say that he cannot do so. He has mistaken the position of the Church and its authorized teachers on this question. . . . The doctrine of celestial marriage, including a plurality of wives, is believed in by the body of the Church, both its preachers and its hearers have a constitutional and inalienable right to the belief and the expression thereof. They have the right to entertain and publish their faith in any doctrine, tenet, or practice of their religion. But they do not tell any person to go and break the law. Action is left free to each individual, and every man must take the consequences of his own doings. He must be guided by his own volition and conscience. Here is a revelation from God which he can read and understand for himself. There is a law of man which is also before him. He is free to take his choice and must bear the results thereof." *Ibid.*, 425.





portance requiring the attention of congress." The report is an elaborate one, setting forth the status of all public institutions of the Territory at that time; also the land entries and general industrial conditions; the social and political status; immigration into the Territory; the progress of the courts against polygamy, giving officially the number of convictions up to that time, etc. The Governor reviewed the events of his own administration. He declared that he knew of no armed organization for the purpose of opposing the lawful authorities, or resisting the enforcement of the laws, "nor," said he, "do I believe any such now exists." Yet he recommended the establishment of a strong, well disciplined, and efficient military force to aid the civil power—"that such a force of United States troops be placed and kept in garrison in this Territory, and that such laws will be passed as will make them as promptly available to the civil authorities here in suppressing violence, quelling disorder, and aiding in the execution of the process of the courts, as if they were the militia of the Territory."

He emphatically urged the passage of more strenuous legislation for Utah. He deplored the fact that congress had not enacted the legislation pending before the last session of that body making many of the local Territorial offices appointive. Now an election had been held—in August and new officers had been elected for the full terms of two years. "If the bill is to become a law,—as it should at the coming session of congress," said the governor—"it ought to provide for vacating the offices, that the law may become operative, and that they may be filled in accordance with its provisions."<sup>76</sup>

In 1886 there was witnessed the opening of the "Woman's Industrial Home," in Salt Lake City, created to "provide homes

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76. For the report in full see *Deseret News*—Weekly—Oct. 27, 1886, pp. 642-3. The concluding paragraphs of the report are as follows:

"On the 6th of May last I assumed the duties of office in this Territory. I was received with honor, and have been treated ever since with consideration and kindness by all the people of every party, regardless of differences. I can have and do have no other than the kindest of feelings for this whole people. I feel a great regret that a great majority of this people will not, or can not, see their way to respect and obey the laws. The sufferings and sorrows they bring upon themselves as individuals and as a people, are a source of profound sorrow.

"One who will lead them quickest to where they must inevitably come; to a recognition of their obligations as citizens; to respect authority and obey the laws, will prove to be their greatest benefactor.



and employment for homeless and destitute polygamous wives and their children." This philanthropic movement was inaugurated by women of the nation under a corporation bearing the title "The Industrial Christian Home Association of Utah." Its promoters, at the head of whom was Mrs. Angie F. Newman, of Lincoln, Nebraska, denied that the establishment of the "Home" was intended to be an act of "cold charity to the 'Mormon' people."<sup>77</sup> Rather, according to Mrs. Newman, its intent was to extend its benefits over every class—Mormon Jew and Gentile"; and in support of this view may also be cited the sixth article of the Association's act of incorporation, which does not limit the operations of this charity to any one class of people,<sup>78</sup> and was intended to be of a general educational, industrial movement for women and children, and had a very long and very high-sounding list of objects to achieve. But the association in pursuance of its purposes—funds in response to its appeals to the charitably inclined women of the United States coming in very slowly, and consisting chiefly in "words of encouragement" to those engaged in this charity<sup>79</sup>—appealed to congress for appropriations, basing that appeal on alleged "awful conditions" existing in Utah in consequence of the enforcement of the Edmund's law. The "industrial Christian Home Association" was incorporated on the 15th of March, 1886, and within a month a delegation was besieging congress for an appropriation of \$100,000. But congress only appropriated \$40,000 in 1886.<sup>80</sup> Two years later, February 1st, 1888, a further appropriation was made of \$40,000; and still later, viz., October, 1888, an additional appropriation was asked for. It was at this time that Mrs. New-

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77. *Deseret News*—Weekly—of Oct. 27, 1886, p. 648, editorial interview with Mrs. Newman. See also Washington Associated Press dispatch *Ibid.*, Dec. 22, p. 772, citing letters of Secretary of Interior and Mrs. Newman to Senator Edmunds.

77½. *Ibid.*, p. 648.

78. All the articles of incorporation are published in Congressional Record, Vol. XIX, Part 10, Appendix, p. 556.

79. "There are doubtless more than three hundred thousand good and noble women of the United States who, in a perfunctory way, are moved to sympathize with the 'dependent women and children of Utah and Idaho'; but thus far they have confined themselves to words of encouragement to those of their number engaged in organizing a great charity which has to exist and subsist upon the public treasury." Speech of Utah's Delegate, John T. Caine, Congressional Record of Oct. 4, 1888.

80. See general appropriation bill for 1886, sect. 221, Congressional Record, Aug. 4th, House proceedings.



man in a memorial to congress represented the "awful conditions" in Utah that, from the stand point of those responsible for this charity, warranted appropriations. This estimable lady was doubtless misled by those who furnished the *data* for her memorial to congress; for in it she stated that it was "indisputable" that one-half of one per cent. of the Mormon population of Utah had been convicted of polygamous crimes; and further that "the number of indictments out" was larger than the number of convictions. This statement was, of course, very wide of the truth, and was immediately contradicted by the production of an official statement from the U. S. attorney general.<sup>81</sup> In another memorial the lady represented that one lady missionary "in a town of 6,000 inhabitants *visited in four hundred polygamous families!* The same missionary lady visited the Utah Penitentiary where she found in one cell, 10x13½, without a floor, six women, three of whom had babies under six months of age who were incarcerated for contempt of court, in refusing to acknowledge the paternity of their children. "In another cell were two girls, one fourteen, one sixteen, *each married to her own father, both with babies!*"<sup>82</sup> The basis of the whole pleading for the appropriation asked for in this 1888 campaign was the allegation that "a number of 'Mormon' plural wives were in the Utah Penitentiary in a state of deepest degradation and destitution."<sup>83</sup>

These wicked misrepresentations were corrected by the United States Marshal for Utah in a letter to Mr. H. B. Clawson under date of October 9, 1888. He admits the size of the room in which the "six" (seven) women were confined, but insists that there was a floor and the cell was kept clean. Two of the women were "held for contempt of court in refusing to answer certain

81. The attorney-general in reply to the House resolution, in relation to convictions for unlawful cohabitation and polygamy in Utah, gives the total as 500 from 1875 to June, 1888, and of these 13 were for polygamy. The "Mormon" population of Utah exceeded, at a low estimate, 160,000; one-half of one per cent. of that number would be 800. In the percentage of convictions the estimable lady was a long way off. As to the number of indictments out she was still farther away from the facts. There were at the beginning of that term of court, according to the United States district-attorney, only one hundred and sixty-three indictments found upon which there had not been service." From speech of John T. Gain, Oct. 4th, 1888, see Congressional Record, Vol. 19, Appendix, p. 586.

82. The Memorial making these baseless charges will be found in Congressional Record for October 3rd and 4th, 1888. House proceedings under those dates.

83. *Deseret News* of July 29th, 1899.





questions put to them by the court touching their polygamous marriage relations." Relative to the two girls fourteen and sixteen alleged to be wives of their own father the marshal said:

"This is wholly incorrect, and I cannot understand how anybody could have been so misled. Somebody must have made malicious misrepresentations to Mrs. Newman on this subject, as we have never had any girls of this age confined in the penitentiary since I have been marshal.

"These facts are taken from the records at the penitentiary and I personally know them to be correct.

[Signed] FRANK H. DYER, United States Marshal."<sup>84</sup>

The appropriations, however, amounting in this October campaign to \$32,000, and in all up to this time, to \$112,000, were obtained; but in securing the aid of government appropriation the "Industrial Christian Home Association" corporation lost control of the movement. In granting the first appropriation—\$40,000, August 4th, 1886—it was provided that:

"Said sum to be expended upon the requisition of and under the management of a Board of Control to consist of the Governor and Justices of the Supreme Court and the District Attorney of said Territory, and said Board shall duly and properly expend said sum, or so much thereof as may be necessary, for the purposes herein indicated, and shall from time to time report to the President their acts and doings and expenditures hereunder, for transmission to Congress."<sup>85</sup>

Against this diversion of the management of the institution from the original association, Mrs. Newman protested, but all in vain. Had the federal officers of Utah in their capacity of manipulating politicians "worsted" the good and philanthropic but misguided women of the "Association?"<sup>86</sup>

Of the appropriations made \$50,000 was designated for the

84. *Deseret News*—Daily—July 29, 1899, where the letter in full will be found. The letter is also quoted in delegate Caine's speech in the house, 4th of October, 1888, Congressional Record, Vol. 19, part 10; pp. 586-7.

85. General Appropriation Bill, Congressional Record of Aug. 4, 1886, House Proceedings.

86. Compare Washington Associate Press dispatch of Dec. 16, 1886, on "Utah Home," and *Deseret News* editorial interview with Mrs. Newman—Weekly—impression of Oct. 27, 1886, p. 648, also Gov. West's report on same *Ibid.*, p. 642.



erection of a suitable building for the "Home." This to come from such unexpended balances from previous appropriations, supplemented by \$24,000 also now appropriated for that purpose. There was also appropriated in addition to this \$4,000 to furnish the Home; and \$4,000 more to aid in the emigration of those who should come to the Home and desire to remove permanently from the Territory to escape polygamy.<sup>87</sup> The expenditure of those funds in the building of the Home was to be under the direction of the Utah commission created by the Edmunds law of 1882. When the building was completed and furnished it was to be placed in the custody of the "Industrial Christian Home Association of Utah Territory," "to be used by it for the suppression of polygamy,"<sup>88</sup> but the Utah commission was appointed thereafter to act as "the board of control over said association, both in the erection of said building and in the conduct of the work of the association hereafter."<sup>89</sup>

The Home building was erected in the heart of the city on 5th East street. The main part was three stories high with two wings of equal height. In June, 1889, the Home was opened in its own building and then, as well as in the rented quarters it had previously occupied, was manifested the utter uselessness of this extravagant outlay of the people's money.

The "Home" was a ghastly failure from first to last. There

87. See Report of Senate and House Conference Committee on the Deficiency Appropriations' bill, Congressional Record for 9th Oct., p. 9312.

88. In the Senate amendments to this bill it had been proposed that the benefits of this institution should be accorded only to "the dependent women and children of Utah and Idaho Territories *who desire to sever their allegiance to the Mormon Church*; and the appropriations proposed totalled \$80,000. (Congressional Record of Oct. 4th, 1888, p. 9225). But for these senate amendments, 112, 113, was substituted the arrangements and the sums named in the text; and the classes to be benefited by the institution were named in the law as follows: "And for the purpose of extinguishing polygamy the following classes may also be received, to wit:

"First. First or legal wives.

"Second. Women and girls with polygamous surroundings in danger of becoming coerced into polygamy.

"Third. Girls of polygamous parentage anxious to escape from polygamous influences.

"Fourth. Women and girls who have been proselyted elsewhere and have removed into the Territory in ignorance of the existence there of polygamy.

"For aiding in the work of said association of the present fiscal year, including the transportation of inmates of the institution who desire to permanently remove from said Territory, \$4,000." (Congressional Record, 50th Cong. 1st Sess., Vol. 19).

89. Report of Senate Conference Committee Oct. 9th, 1888, Congressional Record, Vol. 19, Part 10, p. 9312.



were but very few women of the class designated, who entered the Home, even on the showing of the institution in its strained reports,<sup>90</sup> and the fact of these belonging to the class contemplated in the acts of congress as beneficiaries of the Home is questioned.<sup>91</sup> In the rented quarters the highest number of inmates that had even been in the home at one time was twenty-seven, and these were not of the class of women and children for which the Home was sustained by Congressional appropriation, but paupers; and the average number of such inmates as these was seven.

By October, 1888, when the women of this association were clamoring for congressional appropriations, the inmates were one woman and five children, and these not of the class for whom the institution was founded.<sup>92</sup> These by 1890 had "risen to three women and six children—the sole occupants of an immense building!"<sup>93</sup>

The "home for polygamous wives" was a jest in Salt Lake City and Utah, and after the completion of the building the question was often asked what should be done with it. For a number of years it served as a very convenient headquarters for the Utah Commission. In 1890 it was urged that it be made the government building—post office, etc.—for Salt Lake City, but to this strong objection was made. After a useless existence of ten years, the building and grounds were sold at auction to the

90. The greatest number of women reported admitted to the Home and who had been connected with polyamy was ten cases cited by Mr. Isaac Struble, representative from Iowa, in a speech in the House Oct. 4th, 1888, see Congressional Record, Vol. 19, part 10, Appendix, p. 562.

91. "From that day (i. e. when congress made its first appropriation 4th Aug., 1886), to this (July 29, 1899), the 'Home' has stood empty of inmates of the class for which it was built, and a silent and impressive witness to the fact that in Utah at least there were no 'homeless and destitute' polygamous wives. It was for this class that the 'Home' has been built, and for them it has been maintained during all the years through which it has stood with open arms to receive the alleged 'downcast and unfortunate' women of Utah." (*Deseret News*—Daily—of July 29th, 1899).

92. Congressional Record, Oct. 4, 1888, p. 9267.

93. See a pamphlet circulated in Washington March, 1890, urging that the "Home" be made Salt Lake's government building, quoted in *Deseret News*—Daily—of July 29, 1899. In a speech delivered on the 4th of October, 1888, Utah's delegate in congress gave an exhaustive review of this whole movement, historically and as to its results. Also he refuted from official sources the misrepresentations on which the plea for its necessity existed. The speech in full will be found in Appendix of the Congressional Record, Vol. 19, part 10, pp. 583-591. On the opposite side of the question is a speech by Mr. Struble of Iowa, *Ibid.*, pp. 555-564.





highest bidder in Washington, D. C., on the 7th of September, 1899, for \$22,500;<sup>94</sup> and it is now converted into and run as a family hotel.

Thus ended in fiasco one more costly blunder of the general government in dealing with the "Mormon Question," the result of being misled in part by well-meaning people, and in part by designing schemers.

This year 1886 saw the birth of another "Gentile move in the anti-Mormon controversy, *viz.* the organization of the 'Utah Loyal League.' " According to the preamble to its Constitution the League was to be an association "open as to its general object and purpose, but secret as to its membership and proceedings." Its purpose was set forth in the form of its enrolling list as follows:

"The objects of the Utah Loyal League are to combine the loyal people of Utah, male and female, irrespective of politics, in opposition to the political rule and the law-defying practices of the so-called Mormon Church; to oppose the admission of Utah into the Union until she has the substance as well as the form of republican government; to raise money to maintain agents in Washington or elsewhere to labor for these ends."

A person on enrolling paid fifty cents and agreed to pay fifty cents per month thereafter so long as he remained a member, and promised upon his honor not to divulge the names of member of the League, or any of its transactions. Canvassers for new members were obligated to solicit none but "such as are known to be in hearty sympathy with the end sought by the association," and no candidate was to be enrolled unless vouched for by some one already a member of the league.

The constitution provided for one central association and an indefinite number of branch associations. The officers in each case were a president, from one to many vice presidents, an executive committee, a secretary, a doorkeeper. The president immediately upon his election, and semi-annually thereafter,—or quarterly if found needful,—was required to give the League "a pass word, which shall never be spoken outside of the League meeting, *except in a whisper.*" Knowledge of the pass word

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94. See special Washington dispatch of that date to *Deseret News*—Daily.



was the open sesame to all the League's meetings, where ever held, for membership in the central or any branch association gave access to all.<sup>95</sup>

The League was denounced by the pro-Mormon press as a "money getting scheme," worked among the Gentile portion of the community. "The grand object of the whole plot," said the *Deseret News* editorially, "is to rake in half dollars from all who are foolish enough to throw away their money, towards aiding a few adventurers to prosecute their nefarious labors for the purpose of gaining control of this Territory."<sup>96</sup>

Undoubtedly the "League" was effective in supporting the Gentile lobby that was sustained at Washington through these years of Mormon-Gentile conflict.

It was charged that in the mining camps, and other places where Gentile labor was employed, that pressure was brought to bear upon employees to make them members of the League, but of the truth of this charge there is no clear evidence, and the rank and file of the Gentile element in Utah were quite as eager for the overthrow of the rule of the majority as were the leaders.

Meantime prosecutions for violations of the Edmund's laws continued with constantly increasing vigor. After the Edmund's-Tucker law became effective convictions became easier and multiplied. The expenses of the courts in Utah in the fiscal year of 1887, and paid that year, were over \$63,000, "a large increase over former years," said Representative Struble in the house on the 4th of October, 1888; "occasioned it may be supposed by reason of further attempts to enforce the laws against illegal cohabitation and polyamy."<sup>97</sup>

It was in the midst of these troublous times and threatening

95. The constitution both for the central and branch organizations, the names of the first list of officers of the central organization, with full instructions as to procedure, etc., will be found in *Deseret News*—Weekly—of Dec. 22, 1886, pp. 782. J. R. Walker was the first president. Among the thirty-three vice-presidents was R. C. Chambers, H. W. Lawrence, Joseph L. Rawlins, of Salt Lake, David Evans, of Provo; F. J. Kiesel, of Ogden. The executive committee was H. W. Lawrence, W. F. James, Thomas Marshal, M. B. Sowles, R. Mackintosh. O. J. Hollister was chief secretary, Oscar Vandercook, doorkeeper.

96. *Deseret News*—Weekly—of Dec. 29, 1886, p. 792. "Those who do not join the conspiracy for the overthrow of majority rule in Utah will be counted either as Mormons or Jack Mormons and treated accordingly." (Id.) This following the charge that promoters of the League were the employing pressure "to force laboring men into the ranks and secure their monthly half dollars."

97. Congressional Record, Vol. 19, Part 10, Appendix, p. 562.

Die Ergebnisse der Untersuchungen sind in der Tabelle 1 dargestellt. Die ersten drei Spalten zeigen die verschiedenen Proben, die untersucht wurden. Die nächsten drei Spalten zeigen die verschiedenen Parameter, die gemessen wurden. Die letzten drei Spalten zeigen die Ergebnisse der Messungen.

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portents that President John Taylor died in his retirement at the home of Thomas H. Rouché at Kaysville, Davis county, about fifteen miles north of Salt Lake City. He had been in retirement two and half years—from the 1st of February, 1885, to the 25th of July, 1887, the day of his death.

It was a sad ending of a noble life. Thirteen days before the end came Elder Joseph F. Smith, second counselor to President Taylor, arrived from the Hawaiian Islands, where he had been in exile for over two years and a half, and joined George Q. Cannon at the bedside of the dying President. The President was very weak and low, but he was conscious, and recognized his returned friend and counselor. The President's attention was called to the fact that the First Presidency were once more together—the first time since December 1884—

*"I feel to thank the Lord!"*

he said. After this he continued to grow weaker, with only intervals of consciousness, until the end came.

It is not necessary to dwell either upon the life or the character of President John Taylor, both are interwoven in the narrative of this History. "President Taylor escaped the death which the assassins of Carthage jail assigned him," said his counselors in making official announcement of his death. "His blood was then mingled with the blood of the martyred Prophet and Patriarch. He has stood since then as a living martyr for the truth. But today he occupies the place of a double martyr. President John Taylor has been killed by the cruelty of officials who have, in this Territory, misrepresented the Government of the United States. There is no room to doubt that if he had been permitted to enjoy the comforts of home, the ministrations of his family, the exercise to which he had been accustomed, but of which he was deprived, he might have lived for many years yet. His blood stains the clothes of men, who with insensate hate have offered rewards for his arrest and have hounded him to the grave. History will yet call their deeds by their right names."<sup>98</sup>

The funeral services were held in the Salt Lake Tabernacle on the 29th of July, where the body laid in state, and was viewed

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<sup>98</sup>. The document will be found in full in Life of John Taylor, pp. 410-416.





by a sorrowful multitude. After processional honors were paid to the departed President, interment took place in the city cemetery.<sup>99</sup>

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<sup>99</sup>. Full account of the services will be found in *Mill. Star*, Vol. XLIX, pp. 546-553; and 561-5.



# AMERICANA

June, 1915

## "For Conscience Sake"

BY CORNELIA MITCHELL PARSONS

### CHAPTER XVII

SIR EDWARD WHALLEY AND GEN. WILLIAM GOFFE EXILES

Moody and "The human soul is built out of material from which God builds his eternities, and nothing but God will satisfy it. There is no other secret of peace." —DAVID H. MARTIN, D. D.

THE days, the months dragged on. If it had not been for Sir Henry Moody's library, at that time the largest in the country, he would have lost his reason. So much sadness had come to him, his life seemed shattered. His neighbors, unbearable at times, were of no assistance to him. He had helped the Government in many ways, as well as individuals, like a certain Captain Morning, who said he had tended his vessel to serve the Commonwealth of England; to show this had been done, Sir Henry made out a certificate for him.

From the first when Lady Moody and her son had settled in Gravesend, there had been much trouble with Anthony Jonson Von Salee on one side and Robert Pannayer whose estates lay between that of Jonson Von Salee and Lady Moody, regarding the boundaries, deeds, etc. It was a constant source of annoyance, and Sir Henry determined, after much deliberation, to sell the dwelling, the beautiful home where for ten years or more he had met with such happiness. His finances were at a low ebb, for both he and his mother had been most unselfish in lending a helping hand to friends. Sir Henry found it would be better to dispose of all his holdings, and to find a new home, where things



would not remind him of the past; the past with all its echoes. The house seemed full of echoes. The same Master Jonson had for some years been most desirous of purchasing the estate. It was all arranged that Master Jonson buy the estate, and Sir Henry hoped that the purchaser would be punctual in payment. Sir Henry disposed of a tract of land and plantation to John Bowne (probably the John Bowne who settled in New Jersey), and after packing up and selling most of his furniture, with the exception of his mother's mahogany desk, the family portraits, silver and his large and valuable library, he departed from Gravesend, making his home for a time in Manhattan. He decided to take lodgings with Daniel Litschaes, the innkeeper of much repute who in days past had been a kind host to Lady Moody and Frances. Jonson only paid down thirteen ankers of brandy for the house and lot, and Sir Henry insisted that in fourteen days the whole amount be given him. The time passed for payment. Sir Henry had then moved with his servant, Henry, to New Amsterdam, and enjoyed the excitement of living in the larger town of Manhattan.

Many letters passed between Master Jonson and Sir Henry Moody, but still Jonson did not keep his promise, though the law did what it could, and slippery eel that he was, kept on promising. Of a truth Sir Henry had no money to pay for his lodgings, and the good-natured Litschaes, who did tailoring as well, to eke out a living, was most patient, and insisted that having Sir Henry Moody as a guest in his house, was enough of an honor. He knew that the money for bed and board would be paid in time. One day the good Vraeu Annekin Litschaes began to be more insistent.

"We will be eaten out of house and home. The serving man, Henry, has a prodigious appetite, and my good man, you must insist upon the board bill being settled," she exclaimed.

"Think of the honor, good wife, think of having a gentleman like Sir Henry Moody, a real Baronet in the house. It is in itself an advertisement. You are indeed a low jade to desire to deprive our house of its reputation by demanding what now cannot be paid."

"Yes, just wait and see what a fool you are and ever have





been. You think the man with title, has gold or will have, and live in the fool's paradise where you'd better remain, for you are the greatest!"

"Annekin, speak not so loud. I heard Sir Henry Moody go to his chamber across the hallway. Attend to cheese making and set the boughnougheloughbough for tonight's supper; the quality like it. For this our house is quite renowned."

"Renowned on not collecting its bills, you fool."

"Vraeu, Vraeu, just wait until Master Jonson pays. Sir Henry has produced the bill of sale and Jonson can no longer sneak out of paying the debt. Sis Henry threatened to go back and take the house, but this Jonson would not hearken unto. He is a troublesome creature."

The last words were heard by Sir Henry for the voices were harsh and loud. He came to where the couple stood.

"Good Annekin, I could not help overhearing what you and your good man said. Your voices reached me, penetrating even the privacy of my chamber."

"Annekin, you insult the gentleman; he has heard every word you said." Raising his hand, he pointed with his thumb to the door. "Leave the room, you rothscallen, loose tongue woman."

Annekin with crimson cheeks did as she was bidden, but the look she gave her soldier husband was enough to frighten away anyone but a man like Litschaes.

"I would indeed, Mein Herr, pay you if I could, but cannot yet. You know of my present embarrassment. How much does my bill now come to, Mein Herr?"

"Three hundred and twenty guilders, your Honor."

"Three hundred and twenty guilders,' that is a goodly sum. I will promise to pay you March next, on the first of the month. I will give you my note for it, and you can in all surety depend on my word."

"Thank you, your Honor. I am disgraced by my good Vraeu, who looketh more after filthy lucre than I do. May God forgive her, I cannot."

Sir Henry smiled and then looked very grave. "You are fortunate to have a good wife, Mein Herr, I have none." And Sir Henry turned away suddenly and walked out of the room.



Litschaes shook his head. "Poor Sir Henry. He hath indeed had troublous times."

Little had Sir Henry Moody dreamt that she for whom he had sorrowed, yet lived. After leaving the house, Frances, with her poor demented mother, and the Indian maid, Minatonka, instead of going to Manhattan had changed her plans at the eleventh hour, and had hidden in Gravesend in the cave of which we know. The haunting fear that Sir Henry would follow them made them hasten their departure. It had broken Frances' heart to do the thing she had decided upon, but no one with the strong character and training given her by her adopted mother, Lady Deborah Moody, could do otherwise.

Several days previously, she had been packing her belongings and keepsakes for the new home and life in Maryland. To that place her footsteps now turned. In New Amsterdam, there was no dull house or insane asylum, as now called, though there was one, if not several in Holland. The Dutch were ever a most provident people, but New Amsterdam was yet in its extreme infancy.

The Indian maid, Minatonka, who had become her mother's most devoted friend and attendant, insisted upon flying with them. All of her friends were gone to the Happy Hunting Ground, and since Lady Moody's death, she had become restless, and begged Frances to let her accompany the party. A letter had mysteriously appeared from Edward Whalley, her uncle, saying that he and his son-in-law, William Goff, were fugitives, and having left all behind them had decided that remaining longer in England was impossible, if they wished to keep their heads. They were hunted like hares in a burrow. Charles II., now King of England, had not heeded the message sent him on the scaffold, with the little St. George. The word 'remember' which Charles had repeated to Bishop Juxon, before the cruel axe did its work of which he did not wish to think, the murderers of his father, these regicides, must die. Seven were put to death. Robert Whalley, called Theophilous, the step-father of Frances, now fled. He was soon followed by Sir Edward and son-in-law of the latter, William Goffe.

Sir Edward bidding farewell to his good wife, Frances and his



children, embarking at Gravesend, England, he set sail for Maryland, where on the Eastern Shore in the County of Somerset, where his property was. They sailed under the names of Edward Richardson and William Stephenson; arriving in Boston on the twenty-seventh of July, 1660, where they expected to remain only for a time. In the future, the correspondence with his wife was conducted under the name of Mother Goldsmith. The following account quoted from old records: "Sir Edward and William Goff went first to Cambridge, then on a seven days trip to New Haven, where they remained for several months. The Act of Indemnity was brought over to this country, and Governor Endicott summoning his council found these two names were accepted. The Governor advised them to seek a safer spot, to depart. At the time they were the guests of Mrs. Davenport, going from her house to that of William Jones, who was afterwards Deputy Governor of Connecticut. Then they travelled to Melford, going into the woods. Jones, Sperry and Burrel took them to Hatchet Harbor, where they lay two nights, and then found shelter in a hole, called Providence Hill. When it stormed they sought protection in some nearby house. They then returned to New Hampshire and were concealed at the house of Mrs. Davenport. Messengers from England, with a warrant for their arrest, were searching all through New England for the fugitives, going even into the Dutch settlements, and returned by ship to Boston, unsuccessful. Mr. Endicott told the Earl of Manchester that he thought the regicides had gone by the way of Duclith and to Holland. Large rewards were offered, but their many friends kept watch and guard and would not give them up. Edward Whalley remarked they would surrender rather than their friends should suffer. They let Mr. Leit, the Deputy Governor, know of their hiding place, though they were advised not to throw away their lives, and then returned to the cave in the woods.

As excitement seemed to have blown over for a time, they again sought shelter in Master Tompkins' house, near the Melton Meeting House, not daring even to go into the orchard to pick up a few apples. When the Commonmen returned to Boston, our friends returned to the cave, but their whereabouts were





unfortunately discovered by some Indians, who told of seeing a bed in the cave. They then fled to Hadley, where they were concealed by Mr. Russell. Here they remained for fifteen years, friends giving them money for their daily needs. They called this house their Ebenezer. When staying with Mr. Davenport, they went to meeting one Sunday, when the alarm was given that their enemies were in the church. Mr. Davenport had no way of warning them to fly, so he took for his text, Isaiah XVI, Chapter third to the fourth, 'Take counsel, execute judgment, make thy shadows as the night in the midst of noonday. Hide the outcast, bring not him that wondereth. Let mine outcast dwell with thee. Moab, be thou a cover to them from the face of the spoils.' They fled to Mrs. Eyer's house. When pursued, she sent them out of the back door. For sometime, they remained in a cupboard which was wainscoted having lights on top. There were many pewter and brass articles in it, and a door which could not be seen from the street was cut in the wainscoting. All over the door were pictures, and outside pieces of furniture were placed."

But to return to our story, it was not long before Frances, her mad mother and Minatonka, saw a small skiff approaching them. In it was a man who resembled one whom we have seen before. It was John Whalley, the son of Sir Edward. His sister, Mistress Goffe, wrote to some friend, "My brother, John, has gone across the sea, I know not whither." He had written Frances that his step-father and his uncle and had to fly from England and desired that she join him immediately, for he little knew that his uncle's wife lived and that she would appear with Frances. All was soon safely placed on the ship and after several days stormy voyage reached their destination.

## CHAPTER XVIII

### THE NEW HOME ON EASTERN SHORE, MARYLAND

"So after hearty entertainment,  
Of drink and vituals without payment,  
For Planters' tables you must know,  
Are free to all that come and go."

"Not yet from plagues exempted quite,  
The curst miskitoes did me bite;  
Till rising morn and blushing day,  
Drove both my fears and ills away."



The new home in Maryland brought many changes into the life of Frances, who was now living in the fine brick dwelling of her old friend, Sir Edward Whalley. Situated on high ground, one could look down on the river winding below, and out on the broad Atlantic. The Planters' mansions in both Maryland and Virginia were built either of wood or brick; more often of wood, with shingled roofs from the cypress trees. The servants and freedmen would whittle these shingles, while chatting together on a winter's evening. It was in such a dwelling, with its tall brick chimney that Frances had found a home. It was styled the "Home House" and in the rear were cabins, graineries, cattle pens and a malt house. The servants lived in the former. The division walls were covered with a kind of clay and were whitewashed over. Glass windows protected with heavy shutters gave light to this commodious dwelling. Orchards and pasture lands could be seen where vast forests stretched away into the cloud line, while acres of tobacco fields were near by. There were vegetable gardens, including the raising of herbs and roots for the Still Room, so necessary to the Mistress of the Manor.

(Note.—The plantation of Sir Edward Whalley at Sinepuxent, a neck of land open to the Atlantic Ocean. It consisted of twenty-two hundred acres. Bought under the name of Middleton.)

Quite near the broad veranda, down a pebbly path could be found a wealth of beautiful flowers of variegated hue. In this Manor House, Frances lived with her mad mother and Minatonka. Sir Edward Whalley, now a fugitive, had sent for his wife and children to come over to this country. The wife, Frances, had taken her maiden name of Middleton, that her identity might remain a secret. Many a letter found its way to her and her daughter from Edward Whalley and James Goff, who as we know were at times living in holes of the earth, or hidden in the dwellings of friends. They wrote that before long they hoped to join their dear families, but years had passed and they had not come. John, the oldest son of Sir Edward Whalley, was a natural farmer, having improved the estate each year, the tobacco crops being large and very remunerative. This



In the center of the house was a wide hall, placed on either side were long benches, where the family were most frequently found seated. On the side was an oaken table, carved in the style of that period, being covered with a serviceable Holland cloth. Here meals were more frequently served. Six spacious rooms had an entrance upon this hall. On the floor above were eight bedrooms with their poster bedsteads, feather beds and hangings of chintz, while brass warming pans rested against the wall. In summer time mosquito nets were hung from bars overhead. A spinning wheel stood on one side. The spinning of the linen was part of the home industry of the mistress, assisted by her maids. Closets were not in frequent use, and for them large chests were substituted. The straight back chairs with rush bottoms; the high boy, looking glass, and quaint washstands were then displayed to greater advantage in the absence of the smaller articles of the present day.

The living room on the first floor was conveniently large with its leather couch and chairs brought from the home in Old England. The ceilings were high, and the panelled walls had deep shelves for books. There were no stoves, but great open fire places with their huge logs.

Before such a brightly burning fire, Frances was seated, thinking of bygone days. She occasionally glanced at the portrait which hung over the narrow mantle. It was that of Sir Edward Whalley, the absent host, who had indeed become a stranger to his family. The month of October had come, the garden with its autumnal flowers was aglow. All nature reminded one that winter was approaching. The past rose up before Frances in the flames of the fire, fancy presented to her reflecting mind strange pictures, scenes from her troubled life. First she saw the house at Lynn, again the dwelling of Mistress Hutchinson; there was dear Roger Williams with his kindly eye and word of welcome. The scene changed; there was the new home in Gravesend; the Indian uprisings, the finding of her poor crazed mother, the death or murder of her dear adopted mother. As the flames flickered rising from the great smouldering log, she dreamt and dreamt. Dear Sir Henry how she loved him and would until the end; the end, Frances wondered when the end would be. This





was a beautiful home, and all were so kind and sympathetic. The days were full, but she missed indeed, more and more, dear Lady Moody, now gone to her rest—to the home of the soul. Her old mad mother remained about the same physically, but the mental vision had grown very dim. She was faithfully watched over by the faithful Minatonka, who alone seemed happy in the new home. Would she ever see her lover again? Would he find out her whereabouts? He must never know. She thought of the crime, yet it had been committed by a poor mad woman; God would not judge her.

Just then the door opened, and Cloe, one of the serving maids entered.

“Will Mistress Frances see her Mar, she ain’t feelin’ mighty, and girl, Minatonka, axt me to tell you to come quick.”

“Yes, in truth, I will come directly.”

Suiting the action to the words, Frances rushed past Cloe, and flew up the broad staircase.

Mistress Penelope, in her nightrobe, lay on the bed, under the canopy and parted chintz curtains. Her face was as white as the pillow on which it lay, and the large black staring eyes wandered in the direction of the open door as she entered.

“Frances, you have come at last, my little Frances. I had a dream, and then when I awakened, I felt so badly here,” and she touched her heart with one hand. “I am better now, but little Frances, the old Frances Penelope, your mother, child, has come back again. I can think. There is no confusion, and the voices in my head have ceased, but I am dying. Where am I? Whose dwelling is this?”

“You are in Maryland now, and you are with your old friends, Sir Edward Whalley and his family.”

“Bring him to me, I would speak to him before I go hence.”

“Alas, you cannot see him, be and Master William Goffe are fugitives, pursued by followers of Charles, the II, who will avenge their king’s murder.”

“Sir Edward, a regicide; this dwelling his home, and he not here?”

“His son, John, manages the plantation, and hath accumulated riches as the tobacco crops are practically large.”



"Yes I remember it all. Edward is my brother-in-law. Where is my poor husband, Robert?"

"He is a regicide, also, and a fugitive."

"My old trouble and the separation from Robert turned my brain. Robert was so gentle and kind| Yes, poor dear Robert, my husband. The Whalleys are in sooth a noble, kindly race. I would see Robert before I die."

The old woman spoke so low that Frances bending over her caught the words with great difficulty. As if in answer to her wishes, the door slightly open, was pushed wider and before Mistress Penelope stood her deserted husband, Robert. She seemed to have supernatural strength given to her, and holding out her hands to him, she called:

"Robert, Robert, after all these years you have come back to me."

Untying the sasonet ribbon of her nightrobe, she pulled out the miniature which had seldom left her neck.

"Return this to—to—; forgive the past, Robert, and remember, remember.' I see, I now see clearly. Protect my little Frances."

She fell back dead. A sob rose in Frances' throat. She covered her face with her hand.

"She was verily my mother!"

"And my wife," repeated Robert Whalley, as he tenderly placed his hand on the dead woman's forehead. "She disappeared in truth from the dull house, and I for many years thought her dead. My sister-in-law would not enlighten me, for she thought it would only cause me distress, but I have come in time to say farewell. Your mother, child was a woman of rare beauty; I grieved for her in her desertion. God knoweth I would have stood by her until the end. Men like Stephen Goffe should be punished. Forgive me little Frances, I speak of your father."

"My father, whom I have never seen; who cared not for his own child; I am nothing to him."

Over the dead woman, these two clasped hands. Their tears mingled; for her now they felt only pity and sorrow.

After the funeral of her mother, Frances talked long and earnestly to her stepfather about his future plans. He said he



must soon depart, as two of the Commissioners were on his tracks. For safety, he had taken the name of Theophilus Whalley.

"How glad I am that I came before she passed away. I have only of late known that my poor wife was alive, and little dreamt she would recognize her husband. Can you not join me, Frances, when I am settled somewhere in the North?"

"In truth, not now. Tell me, dear father, when Sir Edward Whalley will return. For my adopted Aunt Frances and the children need me; they are yet strangers in a strange land. I mourn my lover and affianced husband, Sir Henry Moody. I fear adversity and distress hath caused his death."

"When I go northward, Frances, I will make inquiry for him that I may send you tidings."

"Thank you, dear father. You and your family have indeed been a friend to the fatherless child."

After a tearful farewell, Theophilus Whalley bade his friends adieu, and departed for the north, and Providence Plantation.

## CHAPTER XIX

### THE LAST REQUEST

"How sweet it were, hearing the downward stream,  
With half-shut eyes, ever to seem  
Falling asleep in a half-dream!

To muse and brood and live again in memory,  
With these old faces of our infancy.

Heap'd over with a mound of grass  
Two handfuls of white dust, shut  
In an urn of brass!"

The Lotus Eaters.

It was twilight time in June, the shadows were lengthening. Out in the garden, among the flowers she so loved, Frances stood. Years have passed since last we saw her. No longer the young girl, she had reached the gate of womanhood and at its portals she now stood, the future unknown, only memories sad and beautiful lay behind her. The flowers beckon to her; thoughts of the never-to-be-forgotten past press upon her and the shadows continually deepen. Perfume like incense waft-





ed on the wings of night overpowers her senses. A voice startles her from her reverie. It is only her devoted Minatonka bearing a letter in her hand.

"Lily pale face, a letter has come, brought by the post boy." She placed in Frances' hand a sealed packet.

"A letter for me? In these days, epistles are few and far between. I wonder who writes to me."

She carefully broke the seal, and startled, as by the dying light, she recognized the handwriting to be that of Sir Henry Moody.

"New Amsterdam. Dear Heart, the glad tidings have reached me that you are alive and in good health. The news came, brought by your step-father, Theophilus Whalley, in seclusion in Narragansett, now dwelling near Providence Plantation. He telleth me you are dwelling in the hospitable home of Sir Edward Whalley on the eastern shore of what is now called Maryland. So many events have transpired. My life has had its vicissitudes, but in all my wandering, thoughts of you have predominated with longings to behold face to face one dear, dear unto me as my own soul. I was with Col. Morritson in Virginia, where since I left New Amsterdam, I have made my home. I could no longer stand the life in the old dwelling, and even New Amsterdam proved a sad resting place. Being pressed by creditors, having to leave my valuable library to Daniel Litschaes, that he might not be the loser, for payment of bed and board of myself and my servant, Henry. I am here again for a short time in New Amsterdam, having been received in state as ambassador, and am now arranging to ratify the treaty with the Dutch authorities in regard to the crops. I brought with me a letter from the Governor, Sir William Berkeley and Theodore Blonde, Speaker of Assembly of Virginia, to the Director and Consul, requesting the Dutch Government to favor the draft for four thousand pounds weight of tobacco, one pound being equal to three shillings. The Dutch have received me most graciously, and have passed a resolution to advance one thousand or one thousand two hundred gilders with statement that I have full power to make any change in the treaty.

I will soon return to Col. Morritson's, my new Virginia home,



where I trust to end my days. Dearest Frances, would it be possible for us to meet again? I know that my love is the same as on that day when I asked you to be my wife. Do you still care for me, as of old? I am aging fast. Distress of mind and body have caused me to realize that the days of my pilgrimage are numbered. Write to me, if possible, that my heart may be made glad, and that we may arrange a meeting before long in old Virginia. I long to see you once more and dare not give utterance to a premonition. This may be my last request.

Yours until death,

HENRY MOODY.

New Amsterdam in the year of our Lord, 1661."

The letter slipped from Frances' fingers. She had never written him all these years, but her heart was consumed by love which is stronger than death. She had known of the "Citadel" being sold with the surrounding property, and that her lover was boarding in New Amsterdam; then the news came that he had died. This she doubted. Could she after all these years tell him that her mother had been the murderess. Blood lay between her and her lover. God help her.

She must see him again and explain. As Jacob in his wrestle felt, she could not let the angel go until her future was revealed. She prayed for guidance. Sir Henry still loved and believed in her. What would dear Lady Moody say, were she still with her? Frances tried to fancy that her kind friend lived. She seemed near her; to feel her presence, and a voice whispered.

"Go—go—to my boy—he needs you. The past is in God's keeping—go—in eternity such things matter not!"

She glanced up into the blue vault now studded with stars. The moon had risen and its light fell on a white stone slab—out in the family burying ground. It was her mother's grave.

She shuddered—"the past, ever the past overshadoweth me!" I will write to Henry and tell him in sooth, more not all, then if he still desireth me to go to him, I will obey the guiding hand of Providence."

Tears filled her eyes!



Frances walked slowly at first, then quickened her pace as she approached the dwelling. Upon her face the old haunted look, so apparent of late, vanished and in its place was one of determination and trust.

The soft illumination of candles suggested a subduing influence. She sought her cousins to tell them of the missive and of the reply she anticipated sending.

Friends were found, who the next day were sailing for Manhattan and Frances dispatched a long epistle to Sir Henry Moody, following his minute directions.

After three months time or longer, a messenger arrived from Col. Morritson in Virginia, begging Mistress Frances to come at once with his trusted servant, who would conduct her safely to his abode—saying “Sir Henry had returned but had been suffering from a malarial fever and they feared for his life. In his delirium he had frequently enquired about her.”

Decision was a matter of a few minutes and a short week was required by Frances to make ready for her long and dangerous trip through the wilds. She was accompanied by her devoted Minatonka and followed the leadership of the trusted servant of Col. Morritson. After hairbreadth escapes from the Indians, then on the war path, they at last reached the fine Virginia estate.

The meeting with her lover was pathetic. He was daily gaining in strength. Much was to be said on both sides, for both had suffered bitterly. Sir Henry was a broken down man and looked much older than he really was. Frances’ lip trembled as she gazed into the pale handsome face of her lover, now so deeply lined.

“You have, in truth, forgiven me, Henry?” she said.

“Dear heart, I forgave you from the first. I knew my little Frances must have some just cause to desert her affianced husband. Tell me, dear one, what was the cause of your inflexible determination?” “The cause of all?”

“Oh, in truth, I cannot tell you Henry! You sorely distress me by the question.”

“I would not distress you, Love, but do you not owe me this, Frances,—some explanation—some—”





"Henry, Oh Henry, must you know? It concerned you dear mother—she—her death was caused by my demented mother, her friend.

My mother, as you know, (having heard all the particulars from my stepfather) departed this life. Can you not in sooth see how I felt?

Blood lieth between us!" Frances burst into tears.

"Dear heart, you are speaking of one who was crazed; who could not be held accountable for her deeds—God knoweth I suffered!"

"Yes, but the disgrace, and my dear precious friend, Lady Moody, to die by the hand of a friend. She was like an own mother. I could not bear all and thought it only fair to her only son to steal silently away—time doeth much. They say men forget in truth sooner than we women."

"Did you think, Frances, I could ever cease to love you, to hold you in the shrine of my heart?"

"I knew not, in very truth, I could not dream you would wish to wed the daughter of the murderess of your mother."

She shuddered, turning quite white, and would have fallen had not Sir Henry placed his arms around her.

He drew her closely to his breast.

"You will yet be my own beloved wife."

Frances had fainted, and as his strength was not adequate, he called for help. Some of the servants rushed out and together they carried the unconscious Frances into the house, laying her on a couch.

It was some minutes before she regained her consciousness, but when she came to herself, she found Sir Henry kneeling beside her, still holding her hand.

The weeks passed quickly; it was one long Maytime. Sir Henry gained in strength; the color returned to his face. Frances looked again like her old self, all but the present was forgotten. Col. Morritson insisted that Frances, with Minatonka, her maid, prolong her stay, remaining as his guest. "Any friend of Sir Henry Moody was indeed welcome under his roof tree," he remarked.

It was arranged that the marriage of Sir Henry and Frances



should be solemnized in the near future, and that it should be most informal. Word had come that the Exiles, Sir Edward Whalley and Gen. William Goffe, hoped to be soon reunited with their families, but they could not, of course, be present at the marriage. They bore still their assumed names. Frances could hardly realize that the frustrated purpose would at last be fulfilled.

It was a day in June. All nature rejoiced. The morning of the marriage day was ushered in by the chorus of birds. Frances awakened from a troubled sleep, yet she felt in an ecstasy of bliss—was not this her wedding day? No superstitious dream should cloud her skies. She had dreamt of dear Lady Moody, and that she knelt at her feet for a blessing—then she awakened. She could not sleep longer, so dressed herself quietly and wandered down to the spacious library below. In this wainscoted room stood Lady Moody's mahogany desk, with the portrait of Stephen Whalley hanging over it. It was all arranged as in the old dwelling at Gravesend. Col. Morritson had desired Sir Henry Moody to feel at home, and requested him to place the few pieces of furniture and the portraits as he desired. He only longed to have his friend feel double assured of a welcome. Most of the furniture and belongings to Sir Henry had been sold for debt or held as security, but he had carefully retained the mahogany desk and portraits so sacred to the memory of his beloved mother. The valuable collection of letters, some of them containing secret information as to Charles the First were priceless. His fine library was in the hands of Daniel Litschaes, the innkeeper who had died shortly after Sir Henry had left New Amsterdam, and his widow, Annekin Litschaes was ordered by the Orphans' Court to sell the books belonging to her husband's estate. A letter had followed Sir Henry to Virginia asking him please to collect from Col. Morritson the gold to pay the debt, and prevent the sale of books and private matters of the King. Also the verification of his father's Knights Orders given under the seal of King James, which Sir Henry esteemed very much.

It was yet early, the house seemed asleep. Frances stepped lightly to the old desk, and took her seat before it, toying with the quills and dreaming of the never-to-be-forgotten home at Graves-



end. Faces from the past appeared before her, Bowkins, Anitze, dear Mr. Williams, Governor Stuyvesant and his good wife. It was the same old furniture—standing there in that room—things stand still and watch—but spirits pass on and on into space. How changed her own life!

She glanced above at the portrait of Stephen Whalley—the great divine, a Priest in high authority, and yet before God her father. How could she ever call that man father! That man who had deserted her mother and driven her into insanity. Who had never cared to look into the face of his baby girl.

She recalled to memory that evening when the revelation was made to her regarding her history—the secret place where the document and gold were hidden which disclosed her dower! She had been able to save the greater part before she fled, and her own mother had given her all of the valuable jewels, which she had so jealousy guarded these many years. If money were needed for Sir Henry—she would sell these treasures. She rose and touched the portrait pressing her hand lightly over the back of the canvas. Her fingers encountered a card—on it was written these words—

FROM YOUR FATHER'S DEEDS I HAVE LEARNED THAT A MAN'S GREATEST TRUTH IS  
AND NOT HIS "Lady Deborah" HOW I  
OF COURSE FOR HIM (self) from Stephen Goffe."

She started—the picture had been given her adopted mother by her own father. No wonder she loved and clung to his child. Often she had heard the story from Lady Moody's own lips. This man had been the first and early love; had profidiously confessed himself her lover and then severed the closest of bonds.

Had Lady Moody wronged him? Had her own mother misjudged her lawful husband. She had been told of her mother's excitable and jealous nature. It was natural that a Sovereign should grant reward for faithful service to a loyal subject—the tutor of her son. A miniature had caused the trouble. Frances had worn this same trinket around her neck—this fatal miniature. Her stepfather, Theophilus Whalley had given it to her. He deemed it advisable not then to return the miniature to any in power.





Frances gazed into the face of the proud Queen Henrietta Maria. She was a beautiful and haughty personage, but loved and trusted by Charles the First.

She glanced again at the portrait of her father. The eyes seemed lifelike; they turned toward her in the direction of the mahogany desk to which she seemed irresistibly drawn. As she rested her elbow on the desk, it pressed upon a tiny partition. She lifted the lid disclosing a box in which appeared a bit of yellow parchment. The writing was sufficiently distinct for her to decipher these startling lines:

"It hath been proved that John Goffe, the brother of Stephen your lover, has murdered Joseph Joyse, a member of Magdellen College. I advise you that you avoid further association with the family of the murderer.

ANONYMOUS.

"Murder, ever murder!" Frances exclaimed. "It clouded the life of dear Lady Moody and in the end caused her death!"

Thus the truth was revealed to her! Dear Lady, how she had suffered!"

She wondered if Sir Henry himself would have so acted to her, if she had not relinquished him. He could never have seen these lines. It had been Lady Moody's life secret—between her and her God. Who wrote that letter. She saw all now. It was of course her own jealous mother.

Hearing the footsteps of Sir Henry, she deemed it advisable for the present to conceal the paper, thrusting it into her bodice, as he entered the room.

Sir Henry appeared exhausted, like one dazed, as with some effort he advanced, placing one hand upon his forehead, and then crossing the room sank heavily upon the sofa. Frances rushed forward, placing her hand upon the near bell rope to summon aid, as she anxiously bent over him. An unmistakable look appeared upon the face of her lover, the features were pinched and ghastly.

"Are you ill, Henry?"

There was no answer to her question.

"What may I do for you? Are you feeling ill?"

The old smile of younger days returned as he tried to reassure her. With hand outstretched, he with difficulty whispered,

The first of these is the fact that the  
 Journal has been published for a long time  
 and has a large circulation. It is one of the  
 most important journals in the world and  
 is read by a large number of people.  
 The second is the fact that the Journal  
 is published by a large number of people  
 and is one of the most important journals  
 in the world. It is read by a large number  
 of people and is one of the most important  
 journals in the world.

The third is the fact that the Journal  
 is published by a large number of people  
 and is one of the most important journals  
 in the world. It is read by a large number  
 of people and is one of the most important  
 journals in the world.

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The fourth is the fact that the Journal  
 is published by a large number of people  
 and is one of the most important journals  
 in the world. It is read by a large number  
 of people and is one of the most important  
 journals in the world.

The fifth is the fact that the Journal  
 is published by a large number of people  
 and is one of the most important journals  
 in the world. It is read by a large number  
 of people and is one of the most important  
 journals in the world.

"I am faint, it is nothing. The marriage certificate is here in the desk; also papers for your inheritance—all I have left will be yours, it is not much. The desk, the portraits and secret papers of the King. Restore all these papers—things misunderstood will be explained. Frances, little Frances, something telleth me our marriage will never be. I am dying. If this wish of our hearts can not be fulfilled, ever remember you have granted my last request.

Frances fell on her knees before her lover crying passionately: "Henry! Henry! do not leave me!"

"I am passing out of the wilderness into the Homeland of the Soul," he murmured and was gone.

She turned away—the spirit had flown. For her the wilderness stretched before, and the Pilgrim who for Conscience Sake had left all behind, awaited her ministry.

THE END.

(Note.—A letter from John Davinport to John Winthrop.

"Me Lady Moody's movements in England by General Monk and Lombert, with relation to their claim as to residence.")

(Note.—"Stuyvesant's Brother-in-law, Nicholas Varlett had gone to Virginia to prepare a treaty of mutual fellowship and convenience for protection against the savages and barbarous creatures—the enemies of both."

(Note.—"The Unification," a book belonging to Sir Henry Moody of his father's "Knights' Orders" given by King James First.)



## History of the Mormon Church

By BRIGHAM H. ROBERTS, Assistant Historian of the Church

### CHAPTER CXXI

SUCCESSION IN THE PRESIDENCY AFTER THE DEATH OF JOHN TAYLOR—APOSTOLIC AD INTERIM—THE CHURCH PROPERTY SUITS IN ESCHEATED CASES—THE RECEIVERS—RESTORATION OF THE PROPERTY—A BREAK IN SOLIDARITY OF PARTIES IN MUNICIPAL ELECTIONS—THE LIBERAL VICTORY OF 1890—PROGRESS IN PROSECUTION OF POLYGAMY CASES UNDER CLEVELAND'S ADMINISTRATION—THE IDAHO TEST OATH—THE STRUBLE BILL—THE WOODRUFF POLYGAMY MANIFESTO—DEFENSE OF THE MANIFESTO—DEDICATION OF TEMPLES—THE CHURCH AT THE PARLIAMENT OF RELIGIONS—BENEFICIAL EFFECTS OF THE CRUSADE—MEXICAN AND CANADIAN SETTLEMENTS

**F**OLLOWING the funeral services of President Taylor on the 29th of July, the counselors of the late President, Geo. Q. Cannon and Joseph F. Smith, met with five of the Twelve Apostles,<sup>1</sup> and Daniel H. Wells, (the latter had recently returned from presiding over the European mission), in council meeting. It was determined that the two counselors to the late President should preside over the Church until the members of the council of the Apostles could be convened. This arrangement lasted until the 3rd of August. On that date eight of the apostles met, with the two counselors of the late President,<sup>2</sup> to consider the matter of the Presidency of the Church. Elders Geo. Q. Cannon and Joseph F. Smith were

1. The five Apostles were Wilford Woodruff, Lorenzo Snow, Franklin D. Richards, Moses Thatcher, Heber J. Grant.

2. It will be remembered that Daniel H. Wells, with John W. Young, son of Brigham Young at the time of his death, were sustained as counselors to the quorum of the Twelve Apostles. Hence the presence of Elder Wells at the Apostles meeting; his associate counselor was in the East. John W. Young, though not very active in Church affairs continued to be sustained as counselor to the quorum of the Apostles until the general conference of October (Mill.





re-instated in their former positions in the quorum of the Twelve whence they had been taken to act as counselors to the late President John Taylor—this was fifth and sixth place respectively. President Wilford Woodruff with the approval of this meeting issued a brief address “To the Saints<sup>3</sup> Throughout the World,” announcing the death of President Taylor, and also declaring that, as upon two former occasions in the history of the Church, “the duty and responsibility of presiding over and directing the affairs of the Church of Jesus Christ of Latter-day Saints in all the world, devolves upon the Twelve Apostles,” for the time being, and expressed the hope that with the blessing of the Lord and the faith and prayers of his people they would be able to do their duty until they, too, would be laid to rest.<sup>4</sup>

At the general conference of the Church in October following, the quorum of the Twelve, with Wilford Woodruff as President, was sustained “as the Presiding Council and Authority of the Church, and with their counselors, as prophets seers and revelators.”<sup>5</sup> At this conference, as at the five preceding ones, a general epistle was read from the Presidency reviewing the general condition of the Church as well in the foreign missions as in the stakes of Zion, and giving such counsel and admonitions as were deemed necessary to meet the problems confronting the people.<sup>6</sup>

*Star*, Vol. 53, pp. 805-6) when at his own request, by letter from New York his name was not presented, and his official relations with the quorum of the Apostles ceased from that time. Daniel H. Wells continued in his relationship as counselor to the Twelve until the time of his death which occurred March 24th, 1891.

3. The council of the Apostles in the order of seniority in the quorum stood as follows: Wilford Woodruff, President; Lorenzo Snow, Erastus Snow, Franklin D. Richards, Geo. Q. Cannon, Joseph F. Smith, Brigham Young, Moses Thatcher, Francis M. Lyman, John H. Smith, George Teasdale, Heber J. Grant and John W. Taylor. In the minutes of the General Conference of the Church for October, 1887, and for two general conferences thereafter, the name of Brigham Young preceded that of Joseph F. Smith, but that was an error, since Joseph F. Smith was received into the Quorum of the Twelve at the General Conference of the Church held in October, 1867; while Brigham Young was not received in that quorum until a year later, October, 1868.

4. The Epistle complete is published in *Mill. Star*, Vol. XLIX, pp. 545-6.

5. Minutes of the Forty-Eighth Semi-Annual Conference of the Church, October 6th, to 9th inclusive, 1887. *Mill. Star*, Vol. XLIX, p. 737.

6. The epistle complete will be found in *Mill. Star*, Vol. XLIX, pp. 721-735. These general Epistles are really worthy to be classed as state papers of a high order of excellence, for their grasp and treatment of the themes with which they deal. They were sent to the general conferences and read because of the inability of the President to attend those great gatherings without being placed under arrest.



One of the pleasing features of this October general conference of 1887 was that two of the apostles and some other leading elders of the Church who had been in retirement for some years because of the judicial crusade that had raged in Utah, appeared upon the stand of the Tabernacle. The Salt Lake *Herald* thus describes their appearance—referring to the morning session of the third day:

“A surprise was in store for the congregation, which gave great satisfaction. It was the appearance of Erastus Snow, the founder and upbuilder of southern Utah. It is the first time he has been seen in public in a number of years.”<sup>7</sup>

At the commencement of the afternoon session of the 4th day of the conference, the venerable Wilford Woodruff, now President of the Church, walked into the stand,—and now the *Herald's* account:

“The crowning incident of surprise for those who assembled in the Tabernacle on Sunday afternoon, was the sudden appearance, a few minutes before the hour of beginning the services, of President Wilford Woodruff. It was a happy denouement! The venerable and respectable leader entered the building at the west end, went directly to the stand of the Presidency, and made his presence known to the seated multitude by a bow and wave of the hand. He was recognized immediately, and before he had time to think the congregation arose en masse and gave vent to warm ejaculations of welcome. It was a spectacle which will long be remembered. Among the thousands who thus welcomed an honored and beloved apostle who had labored faithfully for more than half a century in the cause of the salvation of mankind, and whose hair had grown grey and white in the service, were those whose memories carried recollections of his good deeds in the past; and they beheld him standing before them after an enforced absence of some three years, their pent-up-feelings found vent in tears, and as they resumed their seats they were seen to weep for joy.”<sup>8</sup>

7. Salt Lake Daily *Herald*, impression of 9th Oct., 1887.

8. *Ibid.* Of this conference the *Herald* further said: “Every available inch of space in the vast building was occupied. It was as large a congregation as ever assembled there, and Mr. Henry Grow, the gentleman under whose supervision the structure was erected and furnished, and who has measured the seating capacity, stated that there were 12,000 persons inside when the meeting was called to order, and a great many crowded around the entrances on the outside. People stood in all the aisles, against the walls, behind the seats, on the stand,



The arrangement as to the Presidency of the Twelve Apostles over the Church, voted for at this conference, continued eighteen months, then the First Presidency for the third time since the martyrdom of the Prophet Joseph, was reorganized, at the general conference of the Church held in April, 1889. Wilford Woodruff was sustained as President of the Church with George Q. Cannon and Joseph F. Smith as counselors.<sup>9</sup> The three vacancies created in the quorum of the Twelve were not filled until the October conference following, when Marriner W. Merrill, Anthon H. Lund and Abraham H. Cannon, the last a member of the first council of seventy, were chosen to fill these vacancies.<sup>10</sup>

The vacancy in the First Council of seventy occasioned by the advancement of Abraham H. Cannon to the Apostolate was filled at the April conference of 1890, by the selection of Elder George Reynolds to the position. Elder Reynolds, it will be remembered, was the one whose case, when charged with polygamy, went to the supreme court of the United States to test the constitutionality of the anti-polygamy law of 1862, and who had suffered a two years' term of imprisonment (1879-1881) in consequence of that action. A previous vacancy in this Council, occasioned by the death of Horace S. Eldridge (September 6, 1888), had been filled by the selection of Elder Brigham H. Roberts for that place at the October conference of 1888.

encroaching upon the space allotted to the Priesthood, rendering it difficult for those distributing the Sacrament to move among them. The choir was augmented to its full limit, besides being added to by accessions from different parts of the Territory." (*Ibid*).

9. See conference Minutes for April, 1889. *Mill. Star*, Vol. LI, pp. 291-2.

10. *Ibid*. Conference Minutes, pp. 753-4. The remarks of President Woodruff on this occasion are interesting as showing the method of selecting the men to fill the vacancy in the Apostolate on this occasion: "We have felt that it is time to fill that Quorum now, at this Conference, and the people should be prepared for the presenting by the Twelve Apostles of such names as they may feel by the Spirit of God to be worthy and proper persons to receive this ordination, or to occupy this position. These Apostles are Prophets, Seers and Revelators. I have confidence in them; I believe they have power to present such things as would be in accordance with the will of God. They [the Apostles] presented to me a list of names. I wish here to say, and I want it understood, that neither myself, President George Q. Cannon, nor President Joseph F. Smith, who are my Counselors, presented any of these names. We left it with the Quorum of the Apostles. I became thoroughly satisfied that they had upon that list such names as would be acceptable unto the Lord. We took those names and made it a matter of prayer, and the Spirit of the Lord manifested unto me those whom we should appoint. They have all been accepted by the Quorum of the Apostles as well as the Presidency of the Church."





One of the most serious problems that the Woodruff administration had to deal with was the matter of the escheat proceedings of the United States against the property of the Church. As already stated when reviewing the various provisions of the Edmunds-Tucker law, the attorney general was directed by that law to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of the act of 1862,—all real estate in excess of \$50,000; provided that no buildings or the grounds appurtenant thereto occupied exclusively for the worship of God, or parsonage connected therewith, or burial ground should be forfeited. Also the Church as a corporation was dissolved by this act and the attorney general was directed to cause such proceeding to be taken in the supreme court of the Territory of Utah as was necessary to wind up its affairs.

The first step in carrying out these directions of the Edmunds-Tucker law was by the institution of a suit in the supreme court of the Territory by United States district attorney for Utah against the Church of Jesus Christ of Latter-day Saints for all property in excess of \$50,000 held by its Trustee in Trust. This on the 30th of July, 1887, the day following the burial of President John Taylor.<sup>11</sup>

When the legislation that culminated in the Edmunds-Tucker act was pending in congress—as it was for several years before it was finally enacted into law—the Church leaders under the advice of their legal advisers took some steps for the protection of the property the Trustee-in-Trust held for the Church. The act under which the Church was incorporated<sup>12</sup>—in respect of obtaining and holding both real estate and personal property—its power in this respect was limited only by the proviso that the gifts or donations that it received should not be “incompatible with the principles of righteousness or the rules of justice;” and

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11. For full statement of the case, with complaint against the Church, and order of the court in full see *Mill. Star*, Vol. XLIX, pp. 540-544.

12. See Compiled Laws of Utah, 1876, ch. V. The incorporation was made first under the authority of the provisional state of Deseret, approved Feb. 8th, 1851, (Ch. XVII). Brought over and approved by resolution of the Territorial legislative assembly, Oct. 4, 1851. See Acts and Memorials of Territory of Utah—First annual and special session of legislative Assembly, p. 204. And Jan. 19, 1855, re-enacted by the legislature of the Territory of Utah, see U. S. Reports, Vol. 10, p. 792, *et seq.*



the said property was also "to be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship, and instruction, and the well being of said Church."<sup>13</sup> The corporation was authorized at general or special conferences to elect one Trustee-in-Trust, and not to exceed twelve Assistant Trustees, to manage its affairs; but no Assistant Trustee or Trustees was empowered to transact "business in relation to buying, or selling, or otherwise disposing of Church property without the consent or approval of the Trustee-in-Trust of said Church."

Under these plenary corporate powers the one corporation had held all the Church property real and personal in all the settlements of the Saints in Utah from the time of its incorporation in 1851. Had such a condition been allowed to continue until after the aforesaid bill became a law, very much more property would have been seized by the government than was seized. But as already suggested the Church authorities under the advice of legal counsel took precautions to lessen the impending blow. Under the Territorial law each ward and each stake also, where realty was held that could not properly fall under the ward organization, was converted into a corporation and such property as the general Church corporation held within its limits was granted unto said local corporation.<sup>14</sup>

Such property as could not well be disposed of in this equitable manner, was subject to seizure. Still even as to such property steps were taken to preserve it from the despoilers as far as possible, and in some instances after the passage of the Edmunds-Tucker bill by the two houses of congress, 19th of February, 1887, but before the law became effective, March 3rd, of the same year. President John Taylor, according to George Q. Cannon, his counselor, had personally been averse to putting the

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13. Compiled laws of Utah, 1876, p. 233.

14. At first the organization was somewhat cumbersome, requiring presidents and boards of directors, which by reason of the frequent absence of members on missions, change of residence, and death, was difficult to keep intact as a working body. Later, however, these cumbersome bodies corporate were changed by alterations in the general law upon the subject into corporations sole, by which it is possible to create a bishopric or a stake presidency into a perpetual corporation sole, which is so nearly perpetual automatically that it only requires the notice of the change in the personnel of the office of bishop or president to be reported to the court within the jurisdiction to continue it.



Church property out of his hands with a view to saving it from seizure. His position was that the Church had acquired the property it held honestly and lawfully—"It was" he said, according to Mr. Cannon:—

"It was the hard earned fruits of the industry of the people which they had consecrated to the service of the Lord; it was used only for proper purposes, and was a source of benefit to all and injured none; and was not in excess, either in value or extent, of that which was needed to carry on the work which the Lord had commanded us to perform. In the most vigorous language he denounced this plan to seize the property of the Church as a scheme of robbery, only equaled by the combinations of mobs in former days to drive us from our homes and steal our property. It was mobocratic violence and greed seeking to conduct its plundering operations under the guise of law. . .

. . . If Congress is determined to take our property in this unjustifiable manner—property which is honestly and lawfully ours by all the laws of God and man, and upon which they have not a shadow of claim, no more, in fact than a band of highwaymen would have upon the property of the peaceful traveler, or than a gang of pirates would have upon the cargo of the legitimate merchantman upon the high seas—then, having the power, and we not being in a position to successfully resist, they must take the consequences. We have endured such flagrant outrages and left our cause in the hands of God before, we could do so again."<sup>15</sup>

President Taylor, however, must have been dissuaded from this personal view to the policy of putting forth every effort to save the property of the Church from seizure. Accordingly after the passage of the Edmunds-Tucker law, recognizing that the Church no longer existed as a body corporate, on the 19th of May, 1887, Wm. B. Preston, R. T. Burton and John R. Winder were appointed, and qualified before the probate court of Salt Lake County, as Trustees for the un-incorporated religious society known by the name of the Church of Jesus Christ of Latter-day Saints; and to them President Taylor transferred by deed the Temple Block and buildings, the deed bearing date of June 30, 1887. And later, *viz*, on the 2nd of July—same

15. Cannon Editorial in *Juvenile Instructor*, Copied into *Mill. Star*, Vol. L, pp. 386-7.





year—other men to whom had been conveyed in trust other real estate before the Edmunds-Tucker act became effective, conveyed to these trustees the realty held by them, namely, the Guardo House; and the Tithing House and grounds. Other property than this was doubtless held in similar trust, and there was seizure of other property than the above, both of real estate and personal property, belonging to the Church.

Mr. Frank H. Dyer, United States Marshal for Utah, was appointed by the Utah Supreme court receiver of the Church property for the federal government, and he made diligent effort to find all such property. Some property was seized that clearly did not fall under the description of the property to be escheated by the Edmunds-Tucker law, such was the Temple square and the Presidents office. Finally, after much petitioning and questioning in court and conferences between opposing counsel an agreement upon facts was made, and a decision arrived at as to the real and personal property that should be turned over to the receiver, upon which agreement and decision the litigants would take the case before the courts, with the understanding that the case would go finally to the supreme court of the United States for adjudication. This property real and personal was listed as follows: The Temple Block, valued at \$500,000, was set apart to the voluntary religious worshippers of the Church of the Latter-day Saints, and the receiver was directed by the court to surrender possession and control of this property to the Trustees, Preston, Burton, and Winder. The Guardo House and grounds, valued at \$50,000; the Historians' Office and grounds, valued at \$20,000; the tithing-office and grounds valued at \$75,000; the Church Farm (a short distance south of Salt Lake City) valued at \$110,000; and certain Coal lands in Summit county, valued at \$30,000,—all this realty was to be turned over to the receiver, as also some other personal property—800 shares of stock in Salt Lake Gas company; 4,732 shares in the Deseret Telegraph company; several promissory notes of different parties and amounts; 30,158 sheep; \$237,666.15 of money. From the time this property had been in the hands of the receiver until the compromise measure was adopted, he had collected rents on the real estate and dividends on the stocks until the full amount of



property, including both real and personal property and rents, amounted to an aggregate value of \$750,000—exclusive of the Temple Block of course.<sup>16</sup>

When the case was considered by the supreme court and judgment rendered, May 19, the court sustained the constitutionality of the Edmunds-Tucker law,<sup>17</sup> and with very slight modification

16. This compromise arrangement was made on the 8th of October, 1888, and the findings and decrees of the court were filed a few days later, (see proceedings of the court published in *Deseret News*—Weekly—of Oct. 10th and 17th; also a summary of the compromise and of the findings and decrees of the court will be found in the decision of the case by the United States Supreme Court in U. S. Reports, Vol. 10, pp. 732-812). Accompanying the compromise agreement was a notice of appeal to the U. S. supreme court by attorneys for the Church.

17. The points ruled upon by the court are stated in the syllabus of the case:

1. Congress has plenary and supreme legislative power over the territories of the United States, and their inhabitants; an Act of Cong. Feb. 19, 1887, abrogating the charter of the Church of Jesus Christ of Latter-day Saints, granted by legislature of Utah, January 19, 1855, and dissolving the corporation, was a valid exercise of such powers, and the said corporation has ceased to have any existence as a civil body.

2. The Act of Cong. July 1, 1862, provided that no religious or charitable corporation in the Territories should hold real estate exceeding \$50,000 in value, and that all real estate held by any such corporation contrary to such act should escheat to the United States. The title of all the real estate acquired by such corporation in Salt Lake City remained in the United States as part of the public domain until November 21, 1871, when it was entered by the mayor of said city under Act Cong. March 2, 1867, known as the "Town-Site Act." *Held*, that on the dissolution of the corporation all of its real estate in such city except a block used for public purposes reverted to the United States.

3. Under the organic act of Utah, Sept. 9, 1850, (9 St. 453), the general system of common law and equity, as it exists in this country, became operative in the territory of Utah; and therefore, on the dissolution of said religious and charitable corporation, its personal property became vested in the government of the United States, in its sovereign capacity, to be applied, under the general doctrine of cy-pres, either by the court or by direction of congress, to some kindred object, whereby the general purposes of religion and charity may be promoted.

4. The fact that all the property of said corporation was held by individuals in trust for the corporation did not prevent the title from escheating according to the intent of said acts.

5. Act Cong. Feb. 19, 1887, 17, providing that the attorney general of the United States shall cause such proceedings as are necessary to wind up the affairs of the Church of the Latter-day Saints, and execute the provisions of the said act, is constitutional.

The court however was divided, chief justices, C. J. Fuller, and Associate Justices Field and Lamar dissenting. "Congress possess such authority over the Territories," said Chief Justice Fuller, writing the dissenting opinion, "as the constitution expressly or by clear implication delegates . . . . In my opinion congress is restrained, not merely by the limitations expressed in the constitution, but also by the absence of any grant of power, express or implied, in that instrument. And no such power as that involved in the act of congress under consideration is conferred by the constitution, nor is any clause pointed out as its legitimate source. I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any one of its departments. The legislative power of congress is delegated, and not inherent, and is therefore limited. I agree that the power to make needful rules and regulations for the territories necessarily comprehends the power to suppress crime;



the decrees of the Territorial court.<sup>18</sup> These modifications related to the handling of the personal property which the supreme court dealt with in a subsequent decision, May 25th, 1891. It was directed by the court that since at the dissolution of the Church corporation there did not exist any trust or purpose within the objects for which said personal property was originally acquired and for which it could be used; and there did not exist any body or association who is legally entitled to said property, therefore it had devolved to the United States and ought to be limited and appointed to such charitable purposes, lawful in their character, as most nearly correspond to those to which it was originally destined. This to be ascertained by a special master in chancery, whose findings and recommendations were to be approved by the supreme court of the Territory.

All listed real and personal property noted in the compromise proceedings before the Utah supreme court by this ruling went into the hands of the receiver, Mr. Frank H. Dyer. After a year's service the receiver was allowed compensation, which with fees, for his attorneys—Williams and Peters—and his expenses, amounted to \$26,825.63.<sup>19</sup> Mr. Dyer continued in the office of the receiver until the 14th of July, 1890, when he resigned,<sup>20</sup> and was

and it is immaterial, even though that crime assumes the form of a religious belief or creed. Congress has the power to extirpate polygamy in any of the Territories, by the enactment of a criminal code directed to that end; but it is not authorized, under the cover of that power, to seize and confiscate the property of persons, individuals, or corporations, without office found, because they may have been guilty of criminal practices."

18. Supreme Court decision, II, U. S. Reports, p. 884.

19. Mr. Dyer's bond has been \$250,000. There were wide differences of opinion on the subject of compensation for the receiver, and much controversy about it. The court referred the subject for examination and report to Judge Ezra T. Sprague, master in chancery. In his report the judge fixed the sum to be paid the receiver at \$25,000; and to each of his attorneys, Parley L. Williams and George S. Peters—the latter was the U. S. district attorney for Utah—he recommended the payment of \$10,000 to each, and for expenses of the receiver, \$7,865.63, making a total of \$52,865.63. This was cut by the court to the amount stated in the text, of which \$10,000 was allowed to the receiver, and \$5,000 and \$4,000 respectively, to the attorneys (See Court proceedings and orders published in *Deseret News*—Weekly—of March 9th, 1889, pp. 347-9). An inquiry had been ordered by the court into the administration of the affairs of the trust by receiver Dyer and his attorneys, conducted by Judge Harkness. The investigation resulted in the exoneration of the receiver and his attorneys. The expense of the inquiry was \$3,500.

20. There had been some dissatisfaction expressed with the administration of Receiver Dyer, and on the 14th of June J. B. Rosborough was appointed a special commissioner to examine his administration. Dyer under orders from the court prepared his report for the commissioner, but when the report was completed he objected to Rosborough as examiner on the ground that he was preju-





succeeded two days later by Henry W. Lawrence, who will be remembered as active in the "Godbeite Movement" of previous years. Being regarded as an "Apostate Mormon" his appointment was obnoxious to the Latter-day Saints who still held an interest in the property to be turned over to the receiver.<sup>21</sup>

Mr. Lawrence continued in office as receiver until August 31st, 1894, when he was superseded by the appointment of John R. Winder, counselor in the presiding Bishopric of the Church of the Latter-day Saints. He was required to give bonds in the sum of \$100,000.

During the receivership of Mr. Lawrence there was further seizure of Church property, the Cannon house—former residence of Geo. Q. Cannon on South Temple street, the Whitney

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diced and unfriendly to the receiver. The court cancelled Rosborough's appointment (See Dyer's Affidavit & Court action in *Deseret News*—Weekly—of July 19, pp. 114-5); and immediately appointed T. R. Jones, a local banker, he refused to act (Id. p. 115). Later Mr. M. M. Stone was appointed to audit Mr. Dyer's accounts. Mr. Dyer's report is very complete and will be found in full in *Deseret News*—Weekly—of July 26th, 1890, pp. 122-6.

Mr. Dyer gave as the reason for his resignation the enlargement of personal business enterprises. In his resignation he recounts his own activities and earnestness in discharging the duties of receiver. Especially his diligence in searching for property belonging to the Church. On this head, and on the results of his activity, he said: "Myself and attorneys began a vigorous search, however, which was kept up unrelentingly, for a time almost night and day, and as a result of this search and long tedious examinations and investigations, litigation, etc., and the use of every means that we could command, dealing as we were with a people, who, as a unit, were hostile to us and our cause. I have succeeded in getting realty to the value of about \$900,000, and personal property to the value of about \$426,800 (\$255,589.11 is in cash), making a grand total in my possession, as heretofore reported to this court, of about \$1,326,000 worth of property. Thus it will be seen that from five to eight times as much property has been reduced to the possession of this receiver as was expected by him or any one whom he ever heard express an opinion upon the subjects. (*Deseret News*—Weekly—of July 26th, 1890, p. 158). This represents a much larger sum than the amount on the compromise arrangements upon which the litigants went up on appeal to the U. S. Supreme Court, and is due in part to subsequent seizure by the receiver, and in part to rents and dividends and increase of values in stocks and realty. See Dyer's report above cited.

21. "The appointment as receiver of an apostate 'Mormon,' known in the community [at the time, there was much modification in later years] chiefly for his bitterness of spirit and acidity of expression concerning all that relates to the Church of which he was formerly a prominent supporter, cannot be regarded by the Utah public in any other light than another exhibition of the unfairness which has characterized the whole proceedings to despoil the 'Mormon' Church of its property. . . . The court seems to have gone out of its way to give another thrust at a religion with which he differs and at a people whom it seems to delight to humiliate." (*Deseret News*—Weekly—of July 26th, 1890, p. 136). For court account of Lawrence's appointment see *News*, *Ibid*, pp 147, 148. Mr. Lawrence was required to give a \$300,000 bond, "with good and sufficient sureties." He was allowed \$300 per month as compensation for services, and \$150 per month for attorneys fees.



part of the tithing office block—northwest corner; the old council House corner—where the *Deseret News* building now stands, corner of Main and South Temple streets, several pieces of realty in Ogden, and the east half of Temple square, Salt Lake City, on which the great temple stands—and then nearing completion.<sup>22</sup> Of these properties the Cannon house, Council House corner, the Whitney part of the tithing office block, and the Odgen properties, were adjudged as not escheatable by Judge Zane.<sup>23</sup> Suit remained pending respecting the east half of the Temple square. Later, *viz*, 11th of November, same year, Judge Zane rendered a decision that the Tithing office, the Gardo House, the Historian Office and the Church Farm were all escheated to the government.

During the continuance of the service of the second receiver, Mr. Lawrence, various orders were made for special examinations and reports by the Utah supreme court as to the uses to be made of this Church property both as to the real estate and the personal property. Judge Loofbourow was appointed on the first of July to conduct such an inquiry, as master in chancery. This inquiry began on the 19th of October, 1891, and became important in the annals of the Church—as we shall see later—because of the interpretations it elicited of the scope of the Woodruff Manifesto discontinuing plural marriage in the Church. With reference to the escheated Church property, Judge Loofbourow, in his report, recommended that the escheated property be devoted to the benefit of public schools. This on the 15th of January, 1892. On November 12th, of the same year, the supreme court rendered a decision authorizing the use of the personal property of the Church under the direction of a trustee, for the building and repairing of houses of worship and the support of the poor. Leonard G. Hardy, counselor in the presiding Bishopric of the Church of the Latter-day Saints, was made the trustee for the expenditure of these funds, and was placed under \$500,000 for the faithful performance of his duties.

Before any action was taken in the expenditure of these funds, however, an event occurred which returned to the Church its

22. See *Deseret News*—Weekly—of Nov. 22, 1890, pp. 697-8 and 700.

23. See court proceedings in Church property cases, *Deseret News*—Weekly—Nov. 7th, 1891, pp. 639-40. Editorial comment, *Id.* p. 628.



personal property to be disposed of by the officers of the organization charged with that duty under its administrative policy. This was accomplished by the passage of a joint resolution of congress in 1893, to restore the said personal property to the Church. The resolution was introduced by Mr. Joseph L. Rawlins, Utah's delegate to congress at the time, on the 9th of September. It came up for consideration in the house on the 5th of October and was passed, being ably championed by Mr. Rawlins. It passed the senate, with some slight amendments, on the 21st. The house two days later agreed to the senate amendments, and on the 25th of October it was signed by President Cleveland.<sup>24</sup> This act caused to be paid over to the First Presidency of the Church, by order of the supreme court of Utah, personal property of the value of \$438,174.39. This the 10th of January, 1894.<sup>25</sup>

It was not until 1896—after the admission of Utah into the Union—that the real estate escheated to the government was restored to the Church. In the very last legislative assembly held in the Territory of Utah—1894—Mr. C. S. Varian, formerly the U. S. district attorney for Utah, introduced a memorial to congress asking for the restoration of the real estate to the Church, which was passed without opposition.<sup>26</sup> When the congressional delegation from the state of Utah were duly installed, both in senate and house, resolutions were introduced to restore the escheated real estate to the Church; and the senate resolution, introduced by Senator Frank J. Cannon, on the 11th of February, 1896, finally passed both houses, and received President

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24. See Congressional Record in proceedings of house and senate of the above dates, 1893; also *Mill. Star*, Vol. LV., p. 738; also *Deseret News*—Weekly—of Nov. 4, 1893, pp. 612-13, where joint resolutions in full will be found, senate amendments, etc.

25. See *Mill. Star*, Vol. LVI, p. 144. On returning to Utah, Mr. Rawlins, addressing himself to the question as to why the real estate was not included in his resolution, made the following answer: "There has been some question as to why the real estate was not included. To that I wish to say such action would have greatly impeded and imperilled the passage of the bill, as the Edmunds—Tucker act provides for the disposal of that portion, and therefore if included would have come up for open discussion before the committee of the whole and would have been subject to numerous amendments and possibly defeat." (Rawlins Interview in *Deseret News*—Weekly—of Nov. 18, 1893, p. 693).

26. *Mill. Star*, Vol. LVI, p. 144.





Cleveland's signature on the 28th of March.<sup>27</sup> In June following—the 4th—the supreme court of the state of Utah entered the decree and gave the order to the receiver, to deliver the Church real estate with all rents and profits arising therefrom and now in his hands, after paying the expenses of said receivership, to the Presidency of the Church.<sup>28</sup> And this was done.

Thus ended an act which, had it been carried to the end proposed by those who projected it, would have virtually involved the federal government of the United States in an act of confiscation that would have been most discreditable and indefensible. As it was, though not carried to the final end of despoilation proposed in the beginning of the action, yet it profoundly disturbed a whole community through about nine years, involved them in vexations and very expensive litigation by which their community substance contributed to charitable and religious purposes was wasted, and their sense of justice outraged.<sup>29</sup>

In the biennial municipal election in Salt Lake City of 1888, there was a departure from the policy of electing a solidly People's Party—Mormon-municipal administration. Four places on the ticket were tendered by the People's Party convention to the Liberals; which tender the more conservative elements in the latter party, under the leadership of Governor West, Marshal Frank H. Dyer, J. L. Rawlins, W. H. Dickson, J. R. McBride and

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27. The resolution passed the senate on the 18th of March, and the house on the 24th. See Congressional Record in both senate and house on those respective dates.

28. The mandate of the court was as follows: "It is further ordered, adjudged, and decreed, that the said receiver deliver all of the real estate, consisting of the Guardo House and lot, the Tithing office and lots, the Historian's office and lot, the Church Farm, and an undivided interest in Coal Lands in Summit county, Utah, together with all the rents, issues and profits arising therefrom, now in his hands, consisting of \$13,404.30, after paying the expenses of said receivership, to Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, the First Presidency of the Church of Jesus Christ of Latter-day Saints, in conformity with the provisions of the joint resolution of Congress, 'providing for the disposition of certain property, now in the hands of the receiver of the Church of Jesus Christ of Latter-day Saints', approved March 28th, 1896, and the Mandates of the Supreme Court of the United States filed in this court in the cases of the United States v. Certain Real Estate, now in the hands of said receiver; all of said property having been granted and conveyed by said resolution to the Church of Jesus Christ of Latter-day Saints." (June 4th, 1896).

29. Among the annoyances imposed during the period of litigation over this property seized by the government was the payment of rents by the Church to occupy its own buildings, the tithing yard buildings, the Guardo House and Wasatch quarries, amounting from first to last to more than \$51,000. Statement from the presiding Bishop's Office, May 10th, 1915.



others, accepted, much to the disgust of the radical wing of that party. The tender was made by the People's Party in recognition of the right of the minority to representation in municipal affairs;<sup>30</sup> and in further courtesy to their former opponents, the ticket thus made up was called the "Citizens Ticket." The four places on the ticket accorded the Liberals was one alderman and three councilors.<sup>31</sup> The radical wing of the Liberal Party placed a ticket in the field and a bitter municipal campaign followed.<sup>32</sup> The citizens ticket, however, was triumphantly elected by an average majority of 1,750 to 860.<sup>33</sup>

Mr. Francis Armstrong, a prominent business man, was the mayor of this fusion administration, it was his second term. During this administration the city council presented to the Territory a site for Territorial or state buildings out of the corporation lands, on what was called "Arsenal Hill," on the north central part of the city plot, almost immediately at the foot of Ensign Peak.<sup>34</sup> The site was located by Mayor Armstrong, Gov-

30. "Whereas," began the series of resolutions on the subject, "We desire to recognize the fact that our political opponents, though forming but a minority of the voting population, contribute to the public revenue by the payment of taxes, and include within their number many citizens who are permanent residents of this city and Territory, and that they should therefore be accorded fair representation in the management of public affairs." (*Deseret News*—of Feb. 8th, 1888, p. 64).

31. *Ibid.* Mr. W. E. McCornick, a leading Salt Lake banker was named as the Liberal candidate for Alderman, and John E. Dooly, M. B. Sowles and Boliver Roberts for councilors.

32. At a meeting of the Liberal Party held on the 10th of February, the "fusion" movement was discussed, and denounced most vehemently; and when Governor West and others sought to defend it, riot and violence for a time threatened; and it was only by the most strenuous efforts that the meeting could be induced to listen to the defense of the movement (See *Deseret News*—Daily—Feb. 11th, also *S. L. Tribune* same date, 1888). Among the other things that greatly excited the meeting was Governor West's charge that some who opposed the fusion movement were "receiving profit and emolument from existing conditions, which they were anxious to perpetuate for their own personal and pecuniary benefit." "Do you refer to persons present," inquired the chairman, Judge J. B. Rosborough. "Yes" said the Governor. "Then I call you to order, sir," said the chairman. "Is it out of order because it is untrue, or because it is in bad taste," inquired the Governor. "I believe it is both; it certainly is in bad taste," said the chairman. "If it is untrue, I will withdraw it; but I am responsible for the taste of my remarks," replied the Governor. It turned out in the discussion that the Governor had in mind certain lawyers who were present who were drawing heavy fees for legal services which services were made necessary by existing unsettled conditions and strifes in the Territory, and the Governor "did not consider it legitimate politics to seek to perpetuate a public condition for the sake of getting fees out of it." (*Ib.*).

33. See Election returns *Deseret News*—Daily—Feb. 14, 1888.

34. The matter of the capitol site was introduced by Mr. Heber J. Grant one of the city councilors, on the occasion of the last session of the 1886-1888 city administration the 28th of February, 1889. The following is an excerpt from the



ernor West, a committee from the legislature and a like committee from the city council<sup>35</sup> on February 29th, 1888.

The tract selected was a triangular shaped plot of about twenty acres. The apex pointed southward, directly facing the head of the state road, which runs southward to the point of the mountain twenty miles distant, in almost a straight line. From the apex the boundary lines of the tract diverged to the East and West to the base line which skirts a hill of mild acclivity, rising to the foot of Ensign Peak. From this site where the capitol of Utah now stands in splendor (erected 1913-1915), is a most magnificent view of Salt Lake Valley, including on the right a view of the south end of Salt Lake, which like a shield of burnished silver glistens in the sunlight, and the Oquirrh range—"a broken wall of light blue mountain, whose northernmost bluff buttresses the southern end of the lake, and whose eastern flank sinks in

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City council minutes of that date: "Mr. Grant represented to the Council that for many years past land had been held by the city on Arsenal Hill with the tacit understanding that at some time State capitol buildings would be erected upon it. He therefore moved that in view of the recent trouble concerning the same a committee be appointed to select and present to the Territory a site for the capitol buildings, say about thirty acres, making a resolution to that effect." (*Salt Lake Herald*, of Feb. 29, 1888). "The recent trouble" referred to by Mr. Grant was a certain attempt on the part of one John H. Linck of Colorado to jump the lands on Arsenal Hill, on the plea that they were unoccupied government lands and subject to entry. He had taken possession of these lands in the latter part of February, 1888, by erecting a board shanty pitching tents and employing a force of men to erect a fence about them. The city authorities forcibly ejected the intruders and repossessed their property. The matter came up for hearing before Judge Zane in the third district court where the case was quickly disposed of in favor of the City. (See proceedings of the court in *Deseret News—Weekly*—of March 7th, 1888, p. 113, where the law bearing upon the subject is considered most ably by Judge Zane). There seems to have been a concerted scheme among a number of real estate men then about this time to "jump" a number of the public squares and park lands held by the city. A Mr. Alma H. Winn made an attempt upon the "Tenth Ward Square"—where the magnificent city and county building now stands—filing his claims and tendering the government price for expense of entry, which were rejected. Liberty Park, Union Square, and Pioneer square were all threatened by the land jumpers, but the decision of Judge Zane with reference to the Arsenal Hill city holdings put an end to attempts of these real estate land-grabbers upon city property. (See *Deseret News—Weekly*—of Feb. 22, pp. 81, 84, 85). Mr. Grant who moved the giving of the site for capitol to the Territory, was a son of Jedediah M. Grant, Salt Lake City's first mayor, and some years counselor in the First Presidency of the Church of the Latter-day Saints. He was born Nov. 22, 1856, in Salt Lake City. Rachel Ridgeway Ivins, was his mother.

35. The city council committee was as follows: W. W. Riter, Thomas G. Webber, W. S. McCormick, James Sharp and Geo. D. Pyper; the legislative committee, Hons. I. W. Shurtliff and Thomas Marshal of the council, and Hons. Wm. H. King, E. S. Kimball and E. D. Hoge of the house. (*Deseret News—Weekly*—of March 7th, 1888).





steps and terraces into a river basin"<sup>36</sup>—the Jordan—and which now, (1915) is dotted with a fine grouping of rural hamlets and villages. To the left and northerly the view takes in a somewhat softly moulded section of the Wasatch range, broken by the two historic canyons named respectively Emigration and Parley's Canyon, for many years—during all the period previous to the advent of the railroad—the gate-ways into the valley from the east; while in the left front is the glory of the Wasatch range, the lofty peaks,—clothed in perpetual snow—which mark the heads of Big and Little Cottonwood Canyons rising to the splendid height of more than eleven thousand feet above sea, and between seven and eight thousand feet above the valley, and around which, on most days, are seen to gather either mist-like or cumulous clouds, which give evidence of the intense cold air strata into which these lofty mountains rear their heads. Beautiful for situation, therefore, is the state's capitol, and the city which it overlooks; unsurpassed is the mountain-rimmed, and lake-shield valley, for the extent, the variety, and the grandeur of its beauty.

In the city election of 1890 the radical wing of the Liberal Party determined upon making an effort to capture control of Salt Lake City. The fact that in the recent fusion movement and election they could pole more than one-third of the voters for their candidates, gave them hope that with the greater part of the election machinery under anti-Mormon control, and with the facilities for colonizing voters in the city from the surrounding mining camps, they could win control of the city. In the municipal election at Ogden in February, 1889, after a bitter contest, the Liberal party was victorious, and for the first time in its existence Ogden passed out of "Mormon" control.<sup>37</sup> Also in the election of members for the legislature in August, 1889, the Liberal Party elected two members of the legislative council and

36. Burton, *City of the Saints*—1862—p. 191.

37. Frauds in the registration of voters and in the voting were charged by the leaders of the People's Party, but no action was brought "to test the legality of the election of any officer, either as to the manner of registration, or as to illegal voting at the polls, or as to the canvass of the returns," said the Report of the Utah Commission (23rd Sept., 1889, p. 4). "Nor has any specific charge of fraud ever been brought to the knowledge of this commission," the Report continues, "but only general charges made through the party newspapers or by individual members of the People's Party, wholly unsupported by proof." (*Id*)



five members from the lower house;<sup>38</sup> and as of these one Liberal member of the council and three members of the house were elected from Salt Lake City—the average Liberal majority in Salt Lake being forty-one<sup>39</sup>—all this gave encouragement to the Liberals that they could succeed in the municipal election in 1890. Accordingly plans were early laid for the next city campaign. Colonization of voters in the city began to be charged as determined upon by both parties as early as August, 1889.<sup>40</sup> The Territorial law required but six months' residence in the Territory, and thirty days' residence in the precinct previous to registration to qualify citizens as voters. As a matter of fact both parties colonized voters in the city for the impending election. Also an effort was made by both parties to qualify as many aliens to vote as possible by naturalization. This method of increasing voters on the part of the People's party was estopped by a decision of Judge Thomas J. Anderson, associate justice of the supreme court of Utah, and acting judge of the third judicial district—the district including Salt Lake City—who rendered a decision on the 30th of November, in which he declared that "an alien who is a member of the Church (i. e. the Church of the Latter-day Saints) is not a fit person to be made a citizen of the United States."<sup>41</sup> The decision, judging from its text,

38. These figures are from the Report of the Utah Commission, 23rd, of September, 1889. The *Deseret News*—Weekly—of Aug. 10th, conceded six members of the house and two of the council. The commission likely presented the official returns.

39. The result, most gratifying to the members of the Liberal Party, and correspondingly distasteful to the People's Party, was the demonstration that, in a hotly contested election, the Liberal Party, had polled a majority of 41 in the vote of the city of Salt Lake, and had secured a voice which could be heard and an influence which could be felt in both branches of the legislature. (Report of Utah Commission, 23rd Sept., 1889, p. 15).

40. See Current numbers of both *Deseret News*, and *S. L. Tribune*, from 17th of August, et. seq.

41. See decision published in full, *Deseret News*—Weekly—of Dec. 7th, 1889, pp. 754-760. The case came up on an application of nine alien Latter-day Saints to become citizens. The hearings on the cases began on the 14th of November and continued until the 30th. The record of the hearing in full will be found in *Deseret News*—Weekly—of Nov. 23rd, Nov. 30th, and Dec. 7th. There was a great array of legal talent. R. N. Baskin and W. H. Dickson appeared in behalf of the "Liberal party" which was objecting to the naturalization of Mormons. Le Grand Young, J. H. Moyle, R. W. Young appeared for the applicants, and Mr. Chas S. Varian, United States district attorney for Utah, near the close of the hearing announced that he appeared as "the official representative of the United States to object to the naturalization of Mormons." A very large number of witnesses was examined, including a number of high Church officials. The testimony dealt very largely with endowment ceremonies as related to the loyalty



was based chiefly upon excerpts from extreme and angry utterances of Mormon leaders during times of stress, and the disorders of "Echo Canyon War" times, rather than upon a careful analysis and synthesis of the testimony actually before the court. And unquestionably the decision of the court was influenced by the felt need of excluding from citizenship those whose votes would be cast against the Liberal party in the pending election. But for all that the decision seems to have settled the judicial policy of the Utah courts for some years with reference to the admission of Latter-day Saint aliens to citizenship. "No Mormon need apply," was the common parlance in which the conclusion was announced when the acquiring of citizenship by Latter-day Saints was mooted.

In the latter part of September, 1889, People's Party clubs began to be organized, the first in the 7th ward, September 28th.<sup>42</sup>

Although the Liberal Party's nominating convention was not to be held until the 14th of January, 1890, and the People's Party nominating convention not until the 27th of the same month, and the election would not be held until the 10th of February of the following year, yet political rallies, torch-light and daylight processions, leading to great political excitement, began early in November. On the 2nd of that month the first Liberal Party torch-light procession was held, and more than two thousand men were in line. A second parade of the kind was held on the night of the 29th of the same month, said to be the greatest affair of its kind ever seen in Utah. A great Liberal drum corps was organized and led the procession, bonfires and red lights illuminated the line of march. Though it was mid-winter there were out door rallies. At one of these, held on the day following Christmas, the Liberals erected a flag pole one hundred and ten feet high. Not to be outdone in things of this sort the People's Party held rallies

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of the Mormon people. The evidence was conflicting, the testimony of Latter-day Saints denying the imputations of disloyalty laid upon these ceremonies, the testimony of apostate Mormons, in the main, alleging disloyalty. One notable exception in the latter class was Mr. E. L. T. Harrison of Godbeite movement fame—who insisted that there was nothing tending to disloyalty in these ceremonies (See *Deseret News—Weekly*—of Nov. 30th).

42. A full account of this organization, and of its constitution and principles is published in *Deseret News—Weekly*—of Oct. 5th, 1889.





and organized parades equally gigantic in proportions, and even surpassing in numbers the Liberal parades, and rallies. The Liberal Party was led by Judge Orlando W. Powers, late of Michigan, but who had acted for a time as one of the United States district Judges of Utah, and who, it will be remembered, had failed of confirmation in his appointment by the United States senate. The People's Party was led by Franklin S. Richards, the leading attorney for the Church in those troublous years. The Liberal Party candidate for Mayor was Geo. M. Scott, a hardware merchant of the city since 1871.<sup>43</sup> The People's Party candidate was Spencer Clawson, a prominent young business man, a man of good family, a native of the city, the son of Bishop Hiram B. Clawson. Interest in this municipal election was nation wide. Not a paper of any prominence in the United States but what both before and after it occurred commented upon it. Indeed so far was public opinion aroused in the event, and so generally was the sympathy of that opinion on the anti-Mormon side, that it was thought necessary by the Church authorities to send representatives of the Latter-day Saints to the East to stem the tide of adverse editorial opinion if possible.<sup>44</sup> Little could be done, however, though interviews were obtained and special articles were written, and editorial comment influenced to some extent by presentation of the pro-Mormon side of the contention. Yet in the main the press face was set hard as flint against the Mormon community, and nothing of moment could be accomplished.

There were charges of intent of corruption on both sides. In anticipation of frauds in both registration and in conducting the election, the Liberal Party having the control of both the registration and the election machinery, through the appointments

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43. Mr. Scott was a native of New York State, born in 1835. In 1852 he went to California *via* Isthmus of Panama, where he remained until he came to Utah in 1871 and established himself in the hardware business, especially in mining machinery. "Biographical Record"—1902—p. 476.

44. These representatives were Elder John Morgan, late president of the southern states mission, and Brigham H. Roberts, at the time associate editor of the Salt Lake *Herald*. They sought representation through the New York, Philadelphia, Boston, and Chicago papers. Geo. Q. Cannon operated in the same interest at Washington, D. C., among his former congressional associates in Congress, some of whom were men of national influence; but all to little or no purpose—the American people were set in their convictions against the Latter-day Saint community, and nothing apparently could change them.



made by the Utah commission<sup>45</sup>—ex-Police Inspector Bondfield of Chicago, with other detectives, was employed by the People's Party to watch their interests and prevent or expose frauds.

The election resulted in a victory for the Liberal Party, its majorities for the city officers running, in round numbers from eight hundred to four hundred, and the city council by majorities with even less variation.<sup>46</sup>

There were general charges of fraud in the organs of the People's Party, the *Deseret News* and *Salt Lake Herald*, but there was nothing exposed that effected the general results. The Utah commission in its report to the Secretary of the Interior, dated August 22nd, 1890, expressed the belief "that the election was a fair one" and they had "no doubt that the Liberal Party fairly won the day." Judge Powers was of the same opinion.<sup>47</sup> The Utah commission being in complete sympathy with the Liberal Party gave practically no heed to the "hundreds of affidavits" that were tendered them both as to registration and election frauds, and allowed such arbitrary and unlimited administrative powers to their appointees, both to registration officers and judges of election—of which the Liberal Party had in each precinct a majority—that it was practically impossible to get by them with charges of corruption. The commission's report to the Secretary of the Interior—22nd of August, 1890—on this February election should be considered in connection with an editorial review of it by C. W. Penrose of the *News*, and especially with reference to letters from the Editor to the commission both previous to the election and afterwards, in which he refers to many registration and election frauds accompanied by affidavits, but all of which though mentioned in the commission's report, was lightly set aside by them.<sup>48</sup>

45. All five of the registration officers in Salt Lake City were non-Mormons and four out of the five became nominees of the Liberal party in the election.

46. For the returns of the election see *Deseret News*—Weekly—of Feb. 22, 1890.

47. "We won because we had the most people on our side." Powers Interview in the *San Francisco Chronicle*, copied into *Deseret News*—Weekly—March 8th, 1890.

48. In the Penrose letters spoken of in the text, reference is made to the circumstance of two of the registration officers of the city making a trip by special car over the Rio Grand Western, and registering "wholesale, gang after gang of employes found at various points between here [Salt Lake City] and the Colorado line," a distance upwards of two hundred miles. A few affidavits "out of a



Three councilmen from the fourth ward of the city were elected by the People's Party, but the certificate of election was given to their defeated opponents. On an appeal to the third district court through *mandamus* proceedings, Judge Zane declared the People's Party candidates elected,<sup>49</sup> and ordered the certificates of election to be given to them. An appeal was taken from this decision to the supreme court of the Territory. In its review of the case the supreme court unanimously confirmed the decision of the district court,<sup>50</sup> *but the People's Party councilmen meantime were kept out of their offices for nearly eighteen months of a two years' term*, while their defeated opponents had occupied their seats in the council during that time.

The Liberal administration rushed into extravagant expenditures for municipal improvements, and the criminal elements flocked into both Ogden and Salt Lake City as if they expected a toleration before unknown. In this they were not disappointed. Notwithstanding this, two years later, the same party was given a new lease of power. Mr. R. N. Baskin, a bitter anti-Mormon of many years standing was elected mayor. It must be said, however, to the honor of Mr. Baskin, that in this second Liberal administration he sought to restrain, and by the vigorous use of the veto power he did restrain some of the reckless extravagance of the party, bent, apparently, not only upon looting the city treasury, but also upon ruining the city's credit. By the end of four years of Liberal rule the people were glad enough

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large number," supporting the charges were sent to the Commission. "I also send you," said the editor to the commission, "a few out of a very large number of affidavits concerning the conduct of the registrars, sitting as a court of first and last resort and depriving hundreds of legal voters of the right to cast their ballots at the Salt Lake City election. And further, I add some samples of hundreds of other affidavits, showing that the judges of election violated the law in rejecting votes offered under the provision of section 2007, Revised Statutes of the United States." (*Deseret News—Weekly*—of Dec. 20th, 1890, pp. 831-33). Dealing with this communication to them the commission loftily said: "What purported to be affidavits of several parties accompanied the communication, but as none of the parties purporting to have made them were known to us, or ever heard of by the Commission, with one exception, the commission had no means of knowing whether they were deserving of weight and credence, even if the facts alleged in them were worthy of notice." (Utah Commission Report, 22 Aug., 1890, p. 16-17). The commission evidently had no desire to investigate the charges made.

49. See Zanes decision in full *Deseret News—Weekly*—of March 1st, 1890.

50. Utah Reports, Vol. VII, pp. 252-5. This decision was not rendered until June, 1891.





to be rid of it, Gentiles as well as Mormons, and so in the municipal election of November, 1893,<sup>51</sup> they united on a citizen's ticket, headed by Mr. Baskin for mayor, who had won the confidence of the people by his sturdy resistance to the extravagance and dishonesty of the Liberal City Council. In this election the citizen's movement was successful. They elected the Mayor and all the city officers, except treasurer, and ten out of the fifteen city council, and Liberal Party rule came to an inglorious end in Salt Lake City.<sup>52</sup>

51. The legislature had meantime changed the time of holding the biennial municipal elections in Utah from February of the even years to the first Tuesday in November of the odd years, at which time the General Territorial election was also held.

52. Lest it might be thought that the view here presented of the Liberal rule in Salt Lake City is a prejudiced one, I give a few statements and excerpts from the "address to the voters," issued from the citizens rally held in the Salt Lake Theatre on the 4th of November. "The municipal government now in power, and which we are endeavoring to depose, has had during the term of its existence, available assets taken from the people amounting to more than \$2,100,000.00. . . .

"The excuse offered by the present leaders of the Liberal party for the City Council's extravagant expenditures of over \$2,000,000 is, that it was expended in necessary public improvements which have been beneficial to the city, and furnished work for laboring men during the dull times prevailing for the last year. . . . That this apology is but a cunningly devised artifice to deceive the voting tax payers becomes at once apparent upon an investigation of the city auditor's books, which show that the total cost of street paving in the city is \$238,240; the expenses of laying all the sidewalks are \$31,698. The city has paid on the joint building account \$129,800, and the sum of \$86,000 for work on the gravity sewer. These are the improvements to which the Liberal party in its platform and by its speakers directs your attention, when offering an excuse for the expenditure of over \$2,000,000 by the City Council, 'whose progressive policy' has just been endorsed in the platform adopted at their recent convention; yet when these various amounts are added together they aggregate but 485,738. \$1,400,000 more has disappeared from the city treasury. What has become of it? Where are the improvements that have been made with this enormous fund? Do you wonder that people have forgotten their party politics in a desire to rid themselves of such an administration? . . . The council's extravagance has been such as to alarm capitalists who have hitherto been glad to purchase our bonds at a premium. As a result the corporation has lately found itself unable to obtain money with which to conduct its reckless course of expenditure and has been compelled to sell our bonds for 50 per cent of their value with a provision for a redemption of the warrants it has been forced to issue, and which promises to pay are hawked about the city at ruinous discounts to the injury of the workmen and other creditors of the corporation, and to the shame and discredit of all citizens whose greatest pride is their business integrity."

"Respecting the moral status of the city under the last two years of Liberal rule—and they began in the first term of that rule as did also the reign of extravagant expenditure, the . . . scenes at the sessions of the Council during the last two years, which scenes brought the blush of shame to the cheeks of decent people, where all rules of courtesy toward each other and the mayor were violated; bad as were the reports of these meetings as recorded in the city press, their columns did not tell all that could have been said but were edited and eliminated in the interest of decency and respectability, the billingsgate, the blackguardism, the profanity which characterized so many sessions of the council could not be detailed in the columns of respectable newspapers.



Meantime through these years in which other things have been considered, the relentless prosecution of men for maintaining their family relations under the plural marriage system of the Church, was going on. The records show that more cases were prosecuted under the first Cleveland administration than under all the Republican administrations preceding it;<sup>53</sup> and in the first session of the 50th Congress, 1888, there was a sharp and unpleasant controversy in the house as to which of the great national parties was to be credited with the overthrow of the "Twin Relic." The Republicans claimed the initiative and earnest prosecution of the work, until the end was in sight; the Democrats insisted that during the Cleveland administration "and only through his administration," said one congressman, "has this evil been brought to bay and extinguished." It is due to the truth of history, however, to say that the increase in the number of convictions had in the latter part of the Cleveland administration, was due to the fact, not of increased vigilance or vindictiveness in the administration of the law, but because the federal judicial appointees of the Cleveland administration were dis-

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"It is notorious that in the employment of labor on the public works discriminations have been regularly made against some people in favor of transients, and that class of floating humanity who would be of service at the polls on election day. . . . Houses of ill-fame, gambling hells, low variety halls, and vile grogeries have sprung up and flourished under this administration if not by its direct protection, and the council has stood stubbornly in the way of the Mayor, persistently thwarting his efforts to suppress these vile establishments and agencies for the destruction of morals of young and old, as it has opposed him in his efforts to enforce the law against Sunday saloons."

These excerpts but indicate the charges against this maladministration of the Liberal party. They are endorsed by the foremost Gentile citizens of Salt Lake, as well by the Latter-day Saints. For the address in full see *Salt Lake Herald*, of Nov. 5th, 1893; also *Deseret News*—Weekly—of Nov. 4th, 1893.

53. The following report of convictions under the anti-polygamy laws was made to the house of representatives of the 50th Congress, 1st sess. under date of Sept. 13th, 1888, by the acting U. S. Attorney General:

"There was one conviction in Utah in March, 1875; and one in April, 1881; in October and November, 1884, one in Idaho and three in Utah; in 1885, beginning with the March term, 39 in Utah and 16 in Idaho; in 1886, 112 in Utah and 20 in Idaho; in 1887, 214 in Utah and 6 in Idaho, and in 1888, 100 in Utah and 5 in Idaho—in all 589 convictions. There have been collected in Utah fines and costs in the above cases to the amount of \$45,956.90, and in Idaho to the amount of \$2,351.10—in all \$48,208 of fines and costs, and in Utah in April, 1886, a forfeiture of \$25,000.

Very Respectfully,

(Signed) G. A. JENKS,  
Acting Attorney-General.

The Speaker of the House of Representatives.

(Congressional Record 50th Congress, Vol. 19, Part 10, p. 9231).



posed to pass less severe sentences than their Republican predecessors had done, the element of mercy entered into the administration of the law, and men regarded the time as opportune to rid themselves of the charges against them, and came from retirement and exile, pleaded guilty, and often received but half the amount of penalty hitherto inflicted upon violators of the law in this kind.<sup>54</sup>

It appears that President Cleveland like some Democratic members of the 50th Congress believed that the question of polygamy in Utah was a settled issue, for in his fourth annual message to congress he said:

"Though prior to March, 1885, there had been but six convictions in the Territories of Utah and Idaho under the laws of 1862 and 1882, punishing polygamy and unlawful cohabitation as crimes, there have been since that date nearly six hundred convictions under these laws and the statutes of 1887; and the opinion is expressed that such a firm and vigilant execution of these laws and the advance of ideas opposed to the forbidden practices, polygamy within the United States is virtually at an end."<sup>54½</sup>

Yet notwithstanding the satisfactory progress reported from these high sources against the plural marriage feature of the Church of the Latter-day Saints, still more drastic legislation

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54. See unlawful cohabitation cases as they are recorded in Jensen's Church Chronology, 1886-1889, and observe how under sentences passed by the Cleveland appointed Judges give, almost invariably, less harsh sentences than under their Republican predecessors; imprisonment often being omitted. Note also the increased number of those who plead guilty before the same judges for the reason given in the text. In this connection also should be remembered the statement of President Taylor when going into retirement that the severity of the crusade, began in 1885, was pushed to extremes in order to embarrass the then incoming Cleveland administration (*Deseret News—Weekly*—of Feb. 25th, 1885, p. 82). It was while Judge Sanford, Cleveland's appointee for chief justice of the Territory occupied the bench in Utah, that Geo. Q. Cannon went into court and pleaded guilty, as also many other prominent brethren.

54½. Messages and Papers of the Presidents. Vol. VIII, p. 704. The President also reported the progress of the escheat proceedings against the Church as follows:

"Suits instituted by the Government under the provisions of the act of March 3, 1887, for the termination of the corporations known as the Perpetual Emigrating Fund Company and the Church of Jesus Christ of Latter-day Saints, have resulted in a decree favorable to the government, declaring the charter of these corporations forfeited and escheating their property. Such property, amounting in value to more than \$800,000, is in the hands of a receiver pending further proceedings, an appeal having been taken to the Supreme Court of the United States." (*Ibid*).





against the polygamist part of the Utah community was being urged upon congress. This legislation was crystalized in what was known as the "Struble Bill,"<sup>55</sup> of which Mr. Robert N. Baskin, representative of the Utah Gentiles at the capital, was the real author, in which fact he took great pride.<sup>55½</sup> In substance the bill, according to the man who drew it, provided "that no person living in plural or celestial marriage, or who taught, advised or counseled any person to enter into polygamy; or who was a member of or contributed to the support, aid, or encouragement of any organization that taught or sanctioned that practice; or who participated or aided in the solemnization of any polygamous marriage, should vote, serve as juror or hold any office in the Territory. The bill also required each person, upon applying for registration as an elector, to show that he was qualified as such by taking the test-oath, the form of which was therein prescribed."<sup>56</sup>

The test oath referred to in the quotation was practically identical with the somewhat celebrated "Idaho test oath."

This oath had been embodied in a Territorial law of Idaho, approved by the governor—Bunn—on the 3rd of February, 1885. It had for its purpose the disfranchisement of the Latter-day Saints in Idaho. Its constitutionality was affirmed by the courts of Idaho, and the result had been that the Latter-day Saints in that Territory were practically disfranchised. In the election of 1888, in order to rid themselves, if possible, of intolerable political conditions, large numbers of the Latter-day Saints withdrew from membership in the Church, that they might qualify as electors by taking the test oath to the effect that they were not only not bigamists or polygamists, but that they were not even members of "any sect or organization which teaches, advises, or encourages the practice of bigamy or polygamy, or any other crime defined by law, as a duty or privilege resulting, or arising

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55. More properly the Cullon-Struble Bill, since Mr. Cullom of Illinois, introduced the measure in the Senate, as Mr. Struble, of Iowa, did in the house; and in each case it was referred to the committee on Territories, of which the two gentlemen named were the respective chairmen.

55½. See Baskin's "Reminiscences of Early Utah," pp. 183-6. He refers to it with great satisfaction, and while saying that it did not pass, "its pendency was 'the last straw which broke the camel's back'". (*Id.* p. 186).

56. Baskin's Reminiscences, p. 183.



from the faith or practice of such order or organization." In some counties those who thus withdrew from the Church were permitted to register and vote, in others they were denied that privilege by the arbitrary action of the registration and election officers. Large numbers of them voted, however, but failed of the attainment of their purpose since the anti-Mormon candidate for congress, Fred. T. Dubois, Republican, was successful at the polls,<sup>57</sup> over Jas. H. Hawley, Democrat. The validity of the Idaho "test oath law" was sustained by the supreme court of the United States, February 3rd, 1890, in its decision in the case of *Davis v. Beason*, in which the court held that:

"Bigamy and polygamy are crimes by the laws of all civilized and Christian countries. They are crimes by the laws of the United States, and they are crimes by the laws of Idaho. . .

. . . If they are crimes, then to teach, advise, and counsel their practice is to aid in their commission, and such teaching and counseling are themselves criminal, and proper subjects of punishment, as aiding and abetting crime are in all other cases."

The court also held that under the authority granted to the Territory, its "legislature was authorized to prescribe any qualifications for voters, calculated to secure obedience to its laws." The court also held that the part of the law of Idaho "requiring every person desiring to have his name registered as a voter to take an oath that he does not belong to an order that advises a disregard of the criminal law of the territory, is not open to any valid legal objection to which our attention has been called."<sup>58</sup>

It was this decision that encouraged the Utah anti-Mormon Ring to think a similar law could be enacted by congress to dis-

57. Mr. Fred T. Dubois, the leading Anti-Mormon politician of Idaho, had formerly been the U. S. Marshal for Idaho, and a relentless prosecutor of the brethren. In 1886, in open court, he declared "that he had a jury impaneled to try Mormon unlawful cohabitation cases, that would convict Jesus Christ if he were on trial." The expression of Mr. Fred T. Dubois, was uttered a few days ago, the making of the assertion being admitted by him in open court under oath (*Deseret News*—Weekly—of May 19th, 1886, p. 279). See also *News* of Nov. 17, 1886, p. 659. See *Deseret News*—Weekly—for 7th and 14th of November, 1888. For account of the remarkable action of the Latter-day Saints of Idaho in withdrawing from the Church to effect a political purpose, and the comments for and against such action; see daily impression of the *Salt Lake Herald and Tribune* from 1st to the 14th of November, 1886.

58. See 133, U. S. Reports, pp. 299-302. Chief Justice Field delivered the opinion.



franchise the Latter-day Saints in Utah, and thus deliver political control of the Territory over to the minority who had so long hungered for it. The justification for this statement will be found in the fact that such a law was not necessary to extirpate polygamy and polygamous living, for men were being sent to prison by hundreds every year. So successful were the operations of the law against these offenses that one of the Utah commission, Gen. John A. McClernand refused to sign with the rest of the Commission the report for September 23rd, 1889, making recommendations increasing the severity of the laws and making more effective their already cruel administration; but on the contrary made a separate report from the majority deprecating the newly proposed severity, in the course of which, when commenting upon the effect of the laws as they had of late years been administered, he said:

“These laws are far-reaching and stringent. They bespeak an unusual remedy for an obstinate and formidable evil. They extend to all offenders convicted of violating them not only the penalty of fine and imprisonment, or both, but forfeiture of the elective franchise and eligibility to hold office or to perform jury service. More than that, they cautiously require, even of non-offenders, a test oath involving divers unusual precedent conditions to the exercise of the elective franchise or to the holding of office or serving as a juror. . . . I have already said that the existing laws are working well, having cited accumulated proofs of the fact. To “let well enough alone” is a wise and safe rule. I would therefore recommend general adherence to it. Further aggressive legislation trenching further upon civil and political privileges would be injurious rather than beneficial. It would be regarded by the people affected as revolutionary and despotic. Savoring, under the circumstances, of persecution for religious opinion, it would provoke resentful feelings, an obstinate and reactionary mood. Such has been the effect of such legislation in all like cases. No religion was ever finally destroyed by either armed or unarmed proscription.”

Even Mr. Baskin does not claim for the bill he formulated the virtue of being necessary to the suppression of polygamy, but says plainly—even bluntly—“The purpose of the bill was to

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59. Utah commission Report for 1889, pp. 27, 37.





wrest from the hands of the priesthood the political power which it had wrongfully usurped and shamefully abused.”<sup>60</sup>

The Struble bill, however, though reported from the house committee and placed upon the house calender never became a law. The reason was that a number of things culminated in the summer of 1890 which led to an action on the part of the Church authorities, and of the Church itself, which was to prove an important turning point in the history of the Church in the New Dispensation. *This was the issuance of the celebrated Woodruff manifesto, discontinuing the practice of plural marriages in the Church.*

Of the several things referred to as culminating in the summer of 1890, and producing this event, was consciousness on the part of the leading Church Authorities of the fact of the general helplessness of the Church against the forces of the federal government arraigend against her. Hundreds of her leading elders were in prison; more hundreds had passed through prison terms; more hundreds had been in exile—all to no purpose, except to bear witness of the sincerity of the people in their acceptance of the principle for which they suffered. The Church property, real and personal, had escheated to the federal government, and was now in its possession, in value about one million dollars. The constitutionality of the laws escheating this property had been affirmed by the supreme court of the United States. Every effort to escape the pressure of the federal laws and the policy of the federal government by acquiring statehood for Utah had failed.<sup>61</sup> A most earnest, official denial of many things charged against the Church and the Latter-day Saint community, as well as a declaration as to many other things commonly believed to enter into and comprise its policy—the paper covering all the points of the “Mormon” controversy, past and present,—and signed by the First Presidency, the entire Quorum of the Apostles, and their counselors, had evidently not impressed the country to win it to the side of the Latter-day

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60. Baskin's Reminiscences, p. 184.

61. Although for a time in 1889, there seemed good reasons to hope that statehood might be granted, of which further in a more appropriate place.



Saints.<sup>62</sup> The courts had recently (November 20, 1889), decided that "Mormon aliens," though in all things else qualified, could not become citizens of the United States, because of their membership in the "Mormon Church." Political control of Salt Lake City, a richer political asset for the party possessing it than the political control of the Territory, was lost to the People's Party, which is to say to the Latter-day Saint community. The supreme court of the United States had affirmed the constitutionality of the Idaho test oath, and there was the pendency of the Struble bill in congress embodying the same test oath as that of the Idaho law which meant the disfranchisement of the entire Latter-day Saints population of Utah, or a wholesale abandonment of membership of the Church—and hence its destruction. The congress seemed not only willing, but eager to enact it into law. There was a certain restiveness manifested among many of the Church membership that desired the cessa-

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62. The official article bears date of Dec. 12, 1889, and is published in full in the *Deseret News* of Dec. 21st of the same year. (Also in *Mill. Star*, Vol. LII, p. 33-35). The article was published in consequence of "Gross misrepresentation of the doctrines, aims and practices of the Church of Jesus Christ of Latter-day Saints, promulgated for years and recently revived for political purposes and to prevent aliens, otherwise qualified, who are members of the Mormon Church, from acquiring citizenship." Its denial that the Church claimed of the right to take human life for apostasy or any other crime, has already been quoted in this History (See chapter LXXXV). It likewise denies the charge that the Church claims the right to supercede the civil courts in any respect. "While offering advice for the welfare of its members in all conditions in life," said the document, "it does not claim or exercise the right to interfere with citizens in the free exercise of their social or political rights." "Free agency and direct individual accountability to God are among the essentials of our Church doctrine." The utterances of prominent men in the church at a time of great excitement are not to be regarded as indicating disloyalty to the government or its institutions. Members of the Church have never offered or intended to offer any insult to the flag of the country, "but have always honored it as the ensign of law and liberty." The Church does not claim to be an "independent, temporal Kingdom of God, or an *imperium in imperio* aiming to overthrow the United States or any other civil government." The Church has been organized by divine revelation preparatory to the second advent of the Redeemer. . . . Its members are commanded of God to be subject unto the powers that be until Christ comes, whose right it is to reign." Church government and civil government are distinct and separate in our theory and practice. We desire to be in harmony with the government and people of the United States as an integral part of the nation. . . . Notwithstanding the wrongs we consider we have suffered through the execution of national laws, we regard those wrongs as the acts of men and not of the government. . . . "We earnestly appeal to the American press and people not to condemn the Latter-day Saints unheard. . . . In the name of justice, reason, and humanity, we ask for a suspension of national and popular judgment until a full investigation can be had and all the facts connected with what is called the 'Mormon' question can be known. And we appeal to the Eternal Judge of all men and nations to aid us in the vindication of our righteous causes." (*Deseret News*, of 1889, p. 810).



tion of the conflict by concessions to the demands of the country respecting the plural marriage practices of the Church.<sup>63</sup> There was the counsel of powerful non-Mormon friends, some of them among the foremost men of the nation,<sup>64</sup> urging the Church leaders to abandon this practice which arrayed the whole nation against the Church and made defense of the Latter-day Saints

63. This was manifested by the number of those who were willing, against the general policy of the Church leaders, to promise obedience to the anti-polygamy laws for the future and thus escape punishment; by the submission of the constitution of 1887 for the proposed state of Utah, containing the following concession to the sentiment of the country—"Bigamy and polygamy being considered incompatible with a republican form of government, each of them is hereby forbidden and declared a misdemeanor." The declaration was made effective by providing the penalties and making these parts of the constitution unrepalable and unamendable except with the approval of the Congress of the United States and the proclamation of the President of the United States; this constitution had been accepted by the people, by a vote of 13,195 in its favor, as against 504 who voted against it. There were murmurings and complainings among the people on account of the long-continued controversy, which gave no promise of coming to an end. "I hear of murmuring," said Geo. Q. Cannon, in a notable sermon delivered on the 14th of July, 1889. "I hear of murmuring, this is a time of trial for the Latter-day Saints. We have now for upwards of four years been undergoing persecution. . . . One class have been greatly tried," meaning those who were involved in the plural marriage system of the Church. He predicted that the others would also be tried and all would need the help of God equally and hence they should be united in sustaining each other. (The sermon in full is published in *Deseret News—Weekly*—July 20th, 1889, pp. 111-115). See also note 64.

64. The matter is alluded to in the sermon cited in the preceding note. "I have been assured hundreds of times, by men, too, of wisdom and discernment, that our overthrow was inevitable unless we conformed to the demands of public opinion and renounced all peculiarities of faith; that the world was arrayed against us, and that it was folly to suppose we could withstand these continued assaults upon us.

See also Woodruff's journal, *Ms.* for 1889-1890, *passim*. President Geo. Q. Cannon in a discourse delivered at Logan, November 1st, 1891, commenting on the issuance of the Woodruff manifesto, said: "This doctrine to which allusion has been made—the doctrine of celestial marriage—I heard one of the Twelve say that if he were called upon to testify, he believed he could say truthfully that the Latter-day Saints were more pleased to hear the manifesto than they were to hear the revelation given on celestial marriage. Now, I could not say that, and yet I believe there is a great element of truth in the statement. I believe that it was a very great trial to this Church, and I believe, too, that there are a great many people glad that the manifesto has been given, because they feel relieved in their feelings. And does not this account, in part at least, for the manifesto? If this statement made by this Apostle is true—and I am not prepared to question it—what does it betoken? It betokens that, though this has been a doctrine of the Church for nearly fifty years, there is still a large element unprepared to carry it out; at least, they have not obeyed it. (*Deseret News—Weekly*—of Nov. 21st, 1891, p. 690). President Woodruff also refers to the matter in a discourse delivered in Logan Tabernacle, Nov. 1st, 1891. Alluding to the issuance of the manifesto, he said, "I have been called upon by friends outside of the Church, and urged to take some steps with regard to this matter. They knew the course which the government was determined to take. This feeling has also been manifested more or less by members of the Church." (*Deseret News—Weekly*—of Nov. 14, 1891, p. 660).





so hopeless a task for them. A special day of fasting and prayer appointed by the First Presidency of the Church "for all the Latter-day Saints throughout these mountains," on the 23rd of December, 1889—the eighty-fourth anniversary of the birth of the Prophet Joseph Smith—and faithfully observed by the Latter-day Saints, appeared to bring no immediate results. The purpose of the fast was thus described in the official announcement of it. The saints were to join in supplicating the Lord on that day for his Holy Spirit to be poured out upon his servants and upon all the Saints as a witness that he was still with them. Also that the enemies of Zion might be confounded in their wicked works and designs, and that the hearts of the rulers and people of the United States might be softened to the end that they might be induced to deal justly and mercifully with the Saints, and be willing to hear their cause and grant to them those rights and privileges which belong to citizens who are true to the constitution and institutions of the United States. "All this," said the announcement, "should be done in the spirit of meekness and faith. There ought to be no expressions or desires for wrath and judgment upon those who have persecuted, reviled, and falsely accused us and who seek to oppress us, but rather that they may turn from their wicked ways and be led to do right"<sup>65</sup>

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65. *Deseret News*—Weekly—of Dec. 21st, 1889, pp. 810-11. "The fast was to commence at sun down on the 22nd inst. and continue until sundown of the 23rd, and it is expected that the members of the Church will have special prayer meetings at home, and in their ward assemblies, and in those places set apart for those purposes." (*Id.*)

"These are times that try men's souls," said the introduction to the announcement of the fast. "The elements of the spiritual world seem to be in commotion in correspondence with the tumult of the material elements and the upheavals in society. We are approaching nearer and nearer to the grand consummation. The tribulations of the latter days, predicted by the Saviour, are upon us as harbingers of 'the end.' Patience and endurance, firmness and faith are essentials to our victory over the powers of evil, which are raging with great wrath because they know they have but a short time. . . . It seems as though the flood-gates of the nether regions had been thrown wide open to let loose the foul tide of calumny and the fierce forces of the Evil One. . . . Clouds, trials, difficulties, struggles, contumely, disfranchisement and the world's hostility threaten on the one hand, while the siren's song of sunshine, pleasure, and sensuous drifting down the smooth stream of life is heard on the other. . . . We need the sustaining hand of Omnipotence, no matter how strong we may be. . . . If God be with us we are sure to prevail. But of ourselves we cannot hope for victory. It is therefore necessary that we humble ourselves before the Lord and seek, in faith, that aid without which we will be weak indeed." Hence the day of fasting was proclaimed.



It was in the midst of these conditions that President Wilford Woodruff faced the problem of issuing his now famous manifesto, changing the long-continued policy of the Church in respect of the practice of plural marriage. President Woodruff mentions the action in connection with a number of common place matters connected with the routine administration of his office. The manifesto was issued on the 25th of September. President Woodruff with his first counselor, Geo. Q. Cannon, H. B. Clawson and others had recently returned from a visit to San Francisco,—21st of September—where they had met with such men as Judge Morrill M. Estee who had acted as chairman at the Republican convention at Chicago which nominated Benjamin Harrison for President of the United States; with W. W. Stow, who on a previous visit of the same brethren to California (April, 1888), had brought about an interview between the brethren and certain prominent southern Pacific Railway officials and United States senator Leland Stanford, of California;<sup>66</sup> with Henry Biglow of the S. F. *Examiner* and others.<sup>67</sup> On the 24th of September President Woodruff makes this entry in his journal:

“September 24: I signed 25 recommends. I received 19 letters. I signed 23 school certificates—I met with three of the Twelve Apostles and my councilors upon an important subject.”—Presumably the “important subject” was the issuance of the Manifesto. Following is the entry on the day of issuing the manifesto:

“Sept. 25. I have arrived at a point in the history of my life as the President of the Church of Jesus Christ of Latter-day Saints where I am under the necessity of acting for the temporal salvation of the Church. The United States government has taken a stand and passed laws to destroy the Latter-day Saints on the subject of polygamy or patriarchal order of marriage, and after praying to the Lord and feeling inspired, I have issued the following proclamation which is sustained by my councilors and the Twelve Apostles.”<sup>67½</sup>

66. See Woodruff's Journal of April 23rd and 24th, 1889.

67. See Woodruff's Journal (MS.) from 3rd to 16th September, 1890, *passim*. 67½. That is to say with the *three apostles* named as being present at the meeting of the previous day. The other members of the Twelve were absent in various parts of the Church—four of them at Knab and St. George.



The document was published as follows:

### OFFICIAL DECLARATION<sup>68</sup>

*To Whom it May Concern:*

"Press dispatches having been sent for political purposes, from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the Church have taught, encouraged and urged the continuance of the practice of polygamy;

I, therefore, as President of the Church of Jesus Christ of Latter-day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported, in which the parties alleged that the marriage was performed in the Endowment House, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony; whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the Endowment House was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.

There is nothing in my teachings to the Church or in those of my associates, during the time specified, which can reasonably be construed to include or encourage polygamy, and when any Elder of the Church has used language which appeared to convey such teaching he has been promptly reproved. And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land.

[Signed] WILFORD WOODRUFF,

*President of the Church of Jesus Christ of Latter-day Saints.*"<sup>69</sup>

68. Usually called THE WOODRUFF MANIFESTO.

69. *Deseret News*—Weekly—of October 4, 1890, p. 476. This editorially is announced as the officially signed document, previous copies published by the associate press and other publications had condensed it "which poorly conveys the sentiment of the writer." (*Id.*) See also *Mill. Star*, Vol. LII, p. 648.





At the October conference following, this act of President Woodruff's was submitted to the Church for its approval or disapproval. Following the reading of it at the morning session on the 6th of October, Elder Lorenzo Snow, of the council of the Twelve—and the President of the council, moved the following action:

"I move that, recognizing Wilford Woodruff as the President of the Church of Jesus Christ of Latter-day Saints, and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized by virtue of his position to issue the Manifesto which has been read in our hearing, and which is dated September 25th, 1890, and that as a Church in General Conference assembled we accept his declaration concerning plural marriages as authoritative and binding."

The vote in support of this motion was unanimous.<sup>70</sup> Geo. Q. Cannon followed with a discourse in justification of the action taken by President Woodruff. That justification was based upon two considerations: First, when a commandment is given to the children of men and they are effectively hindered by their enemies in carrying out that commandment, then it is for God to accept their offering and to require that work at their hands no more; second, the authority which gives a commandment has the right and power to revoke it.

The first ground of justification is illustrated by a passage in a revelation given to the Church through Joseph Smith the Prophet, 19th of January, 1841, concerning the commandments which the Lord had given to his people to build a city and a temple to his name, in Jackson county, Missouri, but who had been hindered by their enemies in carrying out this commandment. The passage is as follows:

"Verily, verily I say unto you, that when I give a commandment to any of the sons of men, to do a work unto my name, and those sons of men go with all their might, and with all they have, to perform that work, and cease not their diligence, and their

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<sup>70</sup> See Minutes of Conference in *Deseret News*—Weekly—of Oct. 11th, 1890, p. 526.



enemies come upon them, and hinder them from performing that work; behold, it behooveth me to require that work no more at the hands of those sons of men, but to accept of their offerings;

"And the iniquity and transgression of my holy laws and commandments, I will visit upon the heads of those who hindered my work, unto the third and fourth generation, so long as they repent not, and hate me, saith the Lord God."<sup>71</sup>

"It is on this basis," remarked Elder Cannon in his discourse, "that President Woodruff has felt himself justified in issuing this Manifesto."<sup>72</sup> President Woodruff followed in the same strain:—

"I want to say to all Israel that the step which I have taken in issuing this manifesto has not been done without earnest prayer before the Lord. I am about to go into the spirit world, like other men of my age. I expect to meet the face of my Heavenly Father—the Father of my spirit; I expect to meet the face of Joseph Smith, of Brigham Young, of John Taylor, and of the Apostles, and for me to have taken a stand in anything which is not pleasing in the sight of God, or before the heavens, I would rather have gone out and been shot. . . . I am not ignorant of the feelings that have been engendered through the course I have pursued. But I have done my duty, and the nation of which we form a part must be responsible for that which has been done in relation to this principle.

"The Lord has required at our hands many things that we have not done, many things that we were prevented from doing. The Lord required us to build a Temple in Jackson county. We were prevented by violence from doing it. He required us to build a Temple in Far West, which we have not been able to do. A great many things have been required of us and we have not been able to do them, because of those that surrounded us in the world."<sup>73</sup>

One of the difficulties anticipated on the part of the Church authorities was that some among the members of the Church would regard this step as a belated action. If this was to be the termination of this long controversy, the surrender of the prac-

71. Doc. & Cov., sec. CXXIV, verses 49, 50. That the matter had reference to the failure of the Saints to build the City and Temple in Jackson county, Mo. See verse 51: the principle, however, is of general application.

72. The discourse in full is published in the *Deseret News—Weekly*—of Oct. 18th, 1890, pp. 550-2.

73. *Ibid.*, p. 552. Where the discourse is given in full.



tice of plural marriage, why was not the surrender made sooner and the suffering of past years avoided—for more than *one thousand three hundred men* had endured imprisonment for this principle,<sup>74</sup> to say nothing of those who had suffered exile from their homes by flight, even to foreign lands, while others had gone into retirement in their own land to escape the punishment provided by the law. Why was not this manifesto delivered sooner and the people relieved of these trials through many years?

The answer made to that was: “*We have waited for the Lord to move in the matter.*”

Such was George Q. Cannon’s statement in his discourse at the time the “Manifesto” was adopted.<sup>75</sup> A year later referring to the same subject he said:

“God gave the command [i. e. for plural marriage to be practised by the Church], and it required the command of God to cause us to change our attitude. President Woodruff holds the same authority that the man did through whom the revelation came to the Church. It required that same authority to say to us, ‘It is enough. God has accepted your sacrifice. He has looked down upon you and seen what you have passed through, and how determined you have been to keep his commandments, and now he says, it is enough.’ It is the same authority that gave us the principle. It is not the word of man. Now, it is for us to obey the law.”<sup>76</sup>

74. “Upwards of thirteen hundred men have been incarcerated in prison (this by Oct. 1890), going there for various terms from one or three months up to years. They have gone there willingly, as martyrs to this principle, making a protest that the heavens and the earth should bear record of that they were conscientious in espousing his principle.” Geo. Q. Cannon in Conference discourse Oct. 1890, *Deseret News*—Weekly—of Oct., 1890, p. 550.

75. “President Woodruff and others of us,” said Elder Cannon, on that occasion, “have been appealed to hundreds of times. I might say;—I can say for myself, that I have been appealed to many scores of times to get out something and to announce something. Some of our leading brethren have said: ‘Inasmuch as we have ceased to give permission for plural marriages to be solemnized, why cannot we have the benefit of that.’ . . . These remarks have been made to us repeatedly. But at no time has the Spirit seemed to indicate that this should be done. We have waited for the Lord to move in the matter; and on the 24th of September, President Woodruff made up his mind that he would write something, and he had the spirit of it. He had prayed about it, and had besought God repeatedly to show him what to do. At that time the Spirit came upon him, and the document that has been read in your hearing was the result.”

76. Sermon at Logan, 1st Nov. 1891, *Deseret News*—Weekly—Nov. 21, 1891, p. 691. In his sermon at the conference which adopted the Manifesto Elder Cannon had dealt upon this same theme; “There may be men here to-day who pride themselves on their foresight, and who take credit to themselves because they





But notwithstanding all this assurance from the Church leaders there were many of the Church members that were distressed in their spirits over the action which the Church had taken in respect of this principle. The Latter-day Saints were a sincere people. They had accepted this marriage doctrine as from God. They had suffered greatly on account of it. They were prepared to suffer more. The thought of surrendering it had never occurred to the great body of the Church, and they were slow to be reconciled to the action of the authorities of the Church, and after the general conference above alluded to, and after the discourses then delivered had been published, President Woodruff found it necessary to address himself at the stake conferences he attended, to this condition. At Brigham City, on one such occasion, he said:

“I wish to make some remarks upon the principle of revelation. Some have thought that revelation had ceased. But this is not the case. The Lord is with us, and gives us revelation. . . .  
. . . I have received a revelation and a commandment from the Lord, which I have not revealed to any man, which I shall reveal to this assembly, and the command of the Lord I shall give to this people, is this: The Lord has revealed to me that there are many in the Church who feel badly tried about the Manifesto, and also about the testimony of the Presidency and Apostles before the master in chancery. The Lord has commanded me to put the following question to the Saints, and those

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foresaw, as they allege, that which we have done to-day, and would lead others to believe that if their counsel had been adopted, if the views that they presented had been accepted by the people, it might have saved very serious consequences to us all and left us in a better position than that which we occupy today. But I, for one, differ entirely with this view. I believe that it was necessary that we should witness unto God, the Eternal Father, unto the heavens and unto the earth, that this was really a principle dear to us—dearer it might be said, in some respects, than life itself. We could not have done this had we submitted at the time that those of whom I speak suggested submission. We could not have left our own nation without excuse. It might have said, ‘Had we known all that you tell us now concerning this we should have had very different views about this feature of your religion than we did have.’ But now, after the occurrences of the past six years have been witnessed by this entire nation and by the world, and by God the Eternal Father and the heavenly hosts, no one can plead as an excuse that they have been ignorant of our belief and the dearness of this principle to us. . . . If no other result has attended what may be termed our obstinacy, these results, are at least, upon record, and they never can be blotted out. The imprisonment of these men [1300 of them] the sufferings—the untold, unwritten, yea, the unmentionable, it may be said, sufferings—of wives and children, they are recorded in heaven and are known to men upon the earth, and they form a chapter that will never be blotted out.” (*Deseret News*—of 1890, Oct. 18, pp. 550-1).



who will give strict attention to it, shall have the Holy Ghost to be with them to inspire them to answer that question for themselves, and the Lord has promised that the answer will be to all alike. The question is this: Which is the wisest course for the Latter-day Saints to pursue—to continue to attempt to practice plural marriage, with the laws of the nation against it, and the opposition of 60,000,000 of people, and at the cost of the confiscation and loss of all the temples, and the stopping of all the ordinances therein, both for the living and the dead, and the imprisonment of the First Presidency and Twelve and the leaders or heads of families in the Church, and the confiscation of the personal property of the people, (all of which of themselves would stop the practice), or after doing and suffering what we have through our adherence to this principle, to cease the practice and submit to the law, and through doing so leave the propnets, apostles and fathers at home, so that they can instruct the people and attend to the duties of the Church, and also leave the temples in the hands of the Saints, so they can attend to the ordinances of the gospel, both for the living and the dead?

Now, the inspiration of the Lord will reveal to any person which course wisdom would dictate us to pursue. And the Latter-day Saints throughout Israel should understand that the First Presidency of the Church and the Twelve Apostles are led and guided by the inspiration of the Lord, and the Lord will not permit me, nor any other man, to lead the people astray."<sup>77</sup>

The reference to the testimony of the brethren before the master in chancery has reference to testimony given before Judge Loofborrow, appointed by the supreme court of the Territory to take testimony to determine what charitable uses the escheated Church property could most justly be applied. The Church authorities made application for the property to be turned over to them for the relief of "the poor and distressed members of the Church of Jesus Christ of Latter-day Saints, and to the building and maintenance of houses of worship for members of said Church." The uses to which representatives of the federal government proposed to put the fund was for the benefits of the com-

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<sup>77</sup>. Juvenile Instructor, Vol. XXVI, p. 671. The same is reported as a synopsis in minutes of the Box Elder Stake conference, published in *Deseret News—Weekly*—of Nov. 7, 1891, pp. 626-7. But the report in the Juvenile was by President Cannon, and in full on the particular question here referred to.



mon schools.<sup>77½</sup> This attempt to have the escheated property returned to the Church, brought the Presidency and other prominent brethren upon the witness stand, and raised the question of the interpretation of, and the scope of, the recently issued Woodruff Manifesto, a matter of grave importance. The witnesses were under oath and both the direct examination and the cross examination were most searching. The Presidency, Wilford Woodruff, Geo. Q. Cannon, and Joseph F. Smith; Lorenzo Snow, President of the quorum of the Twelve Apostles, and Anthon H. Lund of the same council, all testified with the following result:

1. It was established most positively that all regarded the manifesto as the result of the inspiration of God upon the mind of President Wilford Woodruff; that in effect it was the word of the Lord to the Church forbidding the practice of plural marriage; but it did not deny the rightfulness nor the divinity of the doctrine of plural marriage. The same authority had directed the discontinuance of plural marriage by the Church as had inaugurated it in the first instance.

2. In effect, though not in express terms, the manifesto went to the matter of polygamous living as well as to the contracting of plural marriages; the counsel of President Woodruff covered the whole scope of the laws of congress forbidding unlawful marriages and the relationships established thereby.<sup>78</sup>

3. The practice of plural marriage by the Church was defi-

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<sup>77½</sup>. A party of citizens from Ogden represented that at least \$90,000 of the amount of money held by the receiver had been contributed by the counties constituting the northern subdivision of the first judicial district, to wit: Weber, Cache, Box Elder, Morgan, and Rich Counties; and prayed that so much of the fund be set apart to be used solely for charitable purposes in said counties, under such restrictions as might be deemed proper. Another use suggested by Richard W. Young, at a late hour in the procedure, yet admitted for consideration, was that the fund be used for the benefit of a proposed "Young University." As already stated in a preceding page of this chapter, the master in Chancery recommended the use of the escheated property for the benefit of the common schools of the Territory, but ultimately the property, personal and real, was returned to the Church.

<sup>78</sup>. It could not be otherwise. Once counseling submission to the laws of the land on the question of contracting plural marriages, inexorable logic would demand that it be extended also to polygamous living—unlawful cohabitation—equally a subject of congressional legislation; and said laws had been declared to be equally constitutional with those forbidding plural marriages, and therefore the Church president could not say obedience should be given to one part of the law and not to the other.





nately abandoned without the expectation of its renewal as long as the present order of things remain.<sup>79</sup>

4. The prohibition of polygamy was to be universal, as well in foreign countries as in the United States—the decrees against its practice were effective in all countries of the world.<sup>80</sup>

5. Any one violating the inhibition of polygamy, promulgated by the manifesto, was liable to excommunication from the Church.<sup>81</sup>

Thus, officially, the practice of the system of plural marriage in the Church, clung to so tenaciously by the Church leaders and the Latter-day Saints generally, terminated.

In this matter of plural marriage the Latter-day Saints are neither responsible for its introduction nor for its discontinuance. The Lord commanded its practice, and in the face of the sentiment of ages, and in opposition to the teachings of their own traditions, many of the Saints obeyed the commandment, and in the midst of weakness, of great difficulties, and dangers sought to carry out the law as revealed to them. For about half a century they maintained its practice in the face of opposition sufficient

79. On this point the answers of Lorenzo Snow are enlightening: Q. Do you believe or expect now that it [polygamy] will ever be re-established? A. I have no expectation that it will be. I believe the revelation communicated to President Woodruff was for the purpose of stopping its practice entirely. . . . Q. You do not think there will be any lapse from this Manifesto? A. That is so. . . . Q. Does not future conformity with this manifesto depend upon whether the Lord should speak again upon the subject. . . . A. The Lord gave Joseph Smith revelations in regard to plural marriage; and so He has the right to restore that practice if He thinks proper. But it might be a thousand years, and it might be never. *Mr. Varian*; and it might be a month. *Apostle Snow*—And it might be ten hours; but I do not believe for a moment that the practice will ever be restored until the Lord comes Himself and then I do not know that it will be.

The answers of the other witnesses on this point were to the same effect. See Proceedings before the Master in Chancery, Judge Chas. F. Loofborrow, published in *Deseret News*—Weekly—of Oct. 24th and 31st, 1891, pp. 573-583, in the first number, and pp. 608-613 in the second; the 2nd number, in synopsis, contains the arguments in the case.

80. Replying to Mr. Varian, who with Mr. Joseph L. Rawlins, represented the federal government in this hearing, President Woodruff said:—"The Manifesto was intended to apply to the Church of Jesus Christ of Latter-day Saints every where in every nation and country. We are giving no liberty to enter into polygamous relations anywhere."

It could not be otherwise. The Church of Jesus Christ of Latter-day Saints is the Church universal. It is not the Church etc., for the United States, or of England, but of the whole world; and when its general conference acted in this matter, it acted for the Church in all nations—the Church in the whole round world. Its action prohibited plural marriage everywhere.

81. See Hearings before the Master in Chancery cited in 78.



to appall the stoutest hearts. They defended it in the public press, proclaimed it from the pulpit, debated it on the platform with all who chose to assail it, and practiced it in their lives, notwithstanding fines and imprisonments and exile followed as consequences. A whole generation had been born and had grown to manhood and womanhood in this marriage system, and the affections of family ties were entwined with it. Then, under the pressure of suffering brought upon the people through the laws of the United States, the Lord inspired the president of the Church to proclaim its discontinuance, and the people with sorrowful hearts submitted to the will of God thus expressed, and there the matter rests. If the labors and sufferings of the Church of Christ for this principle have done nothing more, this much at least has been accomplished—the Saints have borne testimony to the truth. And it is for God to vindicate his law in his own time, and in his own way.

One thing stands out in bold relief in this controversy respecting plural marriage—the surrender of the practice of it was no triumph for sectarian Christendom. The priests were soon distanced in the contest, and were nowhere in evidence at the finish. The controversy, in the last stages of it, was between the Latter-day Saints and the politicians, not with the priests, except as the latter stood afar off and shouted their support to their warring allies. It was to the force of effective government processes, rather than to the power of the sectarian churches that the Latter-day surrendered the practice of plural marriage. Scarcely to the state either; for as Mr. Varian, the U. S. district attorney for Utah, during the inquiry conducted before the master in chancery in the escheated property cases, passionately exclaimed, after the testimony of President Woodruff *et al* was given to the court—

“*They* [The Latter-day Saints] are not obeying the law of the land at all,<sup>82</sup> but the counsel of the head of the Church. The law of the land, with all its mighty power, and all the terrible pressure it was enabled to bring with its iron heel upon this people, crushing them to powder, was unable to bring about what

82. This according to the report of the proceedings was “shouted” by Mr. Varian, “his voice reaching an angry tone.” *Deseret News* account of the argument—Weekly—of Oct. 31st, 1891, p. 611.



this man did in an hour in the assembled conference of this people. They were willing to go to prison; I doubt not some of them were willing to go to the gallows, to the tomb of the martyr, before they would have yielded one single iota.’<sup>83</sup>

The next events in President Woodruff’s administration are of a strictly ecclesiastical or religious character, the dedication of two temples, the one at Manti, and the other at Salt Lake City.

The Temple at Manti was dedicated in May, 1888. First there was a private dedication of it on the 17th by President Woodruff, George Q. Cannon and a number of the Twelve Apostles, among them Lorenzo Snow, President of the quorum, Brigham Young and F. M. Lyman; there were also a number of local leading brethren present. President Woodruff offered the dedicatory prayer.<sup>84</sup>

It was a time when many of the leading Elders of the Church were in retirement, avoiding arrest by U. S. officials, hence this private dedication of the Temple. Daniel H. Wells was appointed President of the Temple, Anthon H. Lund to be his chief assistant, and J. M. Farnsworth as chief Recorder.<sup>85</sup> On the 21st of May the public dedicatory services took place continuing through three days. Immense throngs were in attendance, coming from all the surrounding settlements of Southern Utah with many leading brethren and sisters from all sections of the Church territory. During the services and on each of the three days there were spiritual manifestations enjoyed by some of the Saints present. In some cases the speakers were reported to be surrounded by halos, and others heard strains of music and soft

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83. *Ibid.*

84. The same that was used at the public dedication of the temple a few days later, and found in full in the *Deseret News—Weekly*—of May 23rd, 1888, p. 297.

85. See Woodruff’s Journal from 13th of May to the 19th, which gives an account of the journey to Manti—of the dedication and the return journey to Salt Lake City. One item mentioned by President Woodruff about the dedicatory services at Manti is of more than passing interest. “Before leaving,” he writes, “I consecrated upon the altar he ‘Seer Stone’ that Joseph Smith found by revelation some thirty feet under the earth [ground], and carried by him through life” (Woodruff Journal May 17th, 1888). This is the “Seer Stone” that the Prophet Joseph Smith used part of the time when translating the Book of Mormon; the one he took from the well he was digging with his brother Hyrum, for and was falsely accused of taking from the children of Mr. Chase, for whom the well was being dug, and spoken of in chapter VIII of this work note 2, which see.





chorus singing to which many scores gave their names as witnesses.<sup>87</sup> Others claim to have seen the spiritual personages of early leading Elders of the Church.<sup>88</sup>

The capstone of the Salt Lake temple was laid on the 6th of April, 1892, thirty-nine years from the time the cornerstones were laid. It was estimated that about forty thousand people were present and participated in the exercises.<sup>90</sup>

87. "A bright halo of light was seen by a number of persons over and around the heads of the following speakers—viz: Lorenzo Snow, Jacob Gates, Robt. Campbell, John Henry Smith, Francis M. Lyman, John W. Taylor and A. M. Cannon. Brother Canute W. Petersen, of Ephraim, [a very reliable and able man of affairs], observed this halo around the heads of all the speakers. While the dedicatory prayer was being offered by Brother Lorenzo Snow, near the middle of the prayer, during a pause, the words 'Hallelujah, hallelujah, the Lord be praised', was uttered by a voice in a very soft and melodious tone, heard by Brother Lewis Anderson, one of our assistant recorders here." (*Mill. Star*, Vol. L, p. 522; also *Deseret News—Weekly*—of May 30, 1888).

88. "On the 21st of May, before the opening exercises commenced, Brother A. C. Smyth, the chorister, seated himself at the organ, and rendered a piece of sacred music, a selection from Mendelssohn, at the conclusion of which, persons sitting near the centre of the hall, and also on the stand at the west end, heard most heavenly voices and singing—it sounded to them most angelic, and appeared to be behind and above them, and they turned their heads in the direction of the sound, wondering if there was another choir in some other part of the Temple." (*Ibid.* 521) The names of fourteen persons follow as being witnesses of this spiritual phenomenon.

89. *Ibid.*

90. *Deseret News—Weekly*—of April 9th, 1892. Under the capstone of the Temple was laid a fine polished copper plate engraved by David McKenzie with the following information upon it:

#### HOLINESS TO THE LORD.

The Temple Block Consecrated and Ground Broken for the  
Foundation of This Temple, February 14th, 1853.

The Corner Stones were Laid April 6th, 1853, Commencing  
At the Southeast Corner.

#### GENERAL CHURCH AUTHORITIES:

April 6, 1853.

First Presidency—Brigham Young,  
Heber C. Kimball, Willard Richards.

Twelve Apostles—Orson Hyde, Parley P. Pratt, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, Amasa Lyman, Ezra T. Benson, Charles C. Rich, Lorenzo Snow, Erastus Snow, Franklin D. Richards.

Patriarch to the Church—John Smith, son of Asael.

First Seven Presidents of Seventies—Joseph Young, Levi W. Hancock, Henry Herriman, Zera Pulsipher, A. J.

Rockwood, Jedediah M. Grant, Benjamin L. Clapp.

Presiding Bishop—Edward Hunter.  
T. O. Angell, Jos. D. C. Young, Architects.

April 6th, 1892.

First Presidency—Wilford Woodruff, George Q. Cannon, Joseph F. Smith.

Twelve Apostles—Lorenzo Snow, Brigham Young, Francis M. Lyman, George Teasdale, John W. Taylor, Anthon Lund, Franklin D. Richards, Moses Thatcher, John H. Smith, Heber J.



The act of laying the stone was quite dramatic. There was a procession led by bands of music. The Temple square was crowded, as were also the adjacent streets. There were anthems by the choir and hymns in which the great audience joined. The house tops and windows of near by buildings were crowded by the people. At twelve o'clock—noon—the formal service began. After prayer by Joseph F. Smith, second counselor in the presidency, the anthem by Stephens—"Grant us Peace O Lord," was rendered.

"*The cap stone is now ready to be laid!*" shouted the architect from the top of the building.

President Woodruff, stepped forward and said:

"Attention, all ye House of Israel, and all ye nations of the earth. We will now lay the top stone of the Temple of our God, the foundation of which was laid and dedicated by the Prophet, Seer, and Revelator, Brigham Young."

He pressed an electric button, and the stone settled to its place; at the same moment the great crowd led by Elder Lorenzo Snow gave the sacred shout.

"*Hosanna! Hosanna! Hosanna! to God and the Lamb! Amen! Amen! Amen!*"

This was thrice given, with the waving of handkerchiefs and every expression of joy. A moment later and the assembled thousands led by the choir sang Zion's most soul-stirring congregational hymn—

"The Spirit of God like a fire is burning,

"The Latter-day Glory begins to come forth," etc.

"The spectacle and effect of the shout" said a chronicle at the time, "was grand beyond description, the emotions of the multitude being stirred up in the greatest intensity of devotion and enthusiasm."<sup>91</sup>

Grant, Marriner W. Merrill, Abraham H. Cannon.

Patriarch to the Church—John Smith, son of Hyrum.

First Seven Presidents of Seventies—Jacob Gates, Seymour B. Young, C. D.

Fjeldsted, John Morgan, B. H. Roberts, George Reynolds, Jonathan G. Kimball. Presiding Bishop—William B. Preston.

Robert T. Burton, John R. Winder, Counselors.

The Capstone was laid April 6th, 1892, by President Wilford Woodruff.

91. *Deseret News*—Weekly—of April 9th, 1892; "The topstone, and the granite block upon which it immediately rests," says Elder Talmage in his "House of the Lord," "form a sphere. Within the lower half a cavity had been prepared;



Apart from the main event the chief thing attending the laying of the cap stone was the offering of a resolution by Elder Francis M. Lyman, of the Council of the Twelve, as follows:

### RESOLUTION

"Believing that the instructions of President Woodruff, respecting the early completion of the Salt Lake Temple, is the word of the Lord unto us, I propose that this assemblage pledge themselves, collectively and individually, to furnish, as fast as it may be needed, all the money that may be required to complete the Temple at the earliest time possible, so that the dedication may take place on April 6th, 1893.

"The resolution was put to the meeting, that it might have the endorsement of all Israel. The result was a deafening shout of 'ayes' from the assembled host.

"Brother Lyman then stated that he would head a subscription list with a donation of one thousand dollars to aid in the attainment of the object expressed in the resolution."<sup>92</sup>

Accordingly the Church undertook the accomplishment of this task, and successfully carried it through, although the undertaking was immense and many doubt the possibility of its achievement.<sup>93</sup> It was completed, however, though the last "finishing touches to the interior of the building were made in the afternoon of the 5th of April," the day preceding the day of dedication. "In the evening of that day," writes the author of the "House of the

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and in this were placed certain books and other articles, so that, as the capstone was laid, it formed a secure and massive lid to this stone receptacle. The stone contains a copy of the Holy Bible, Book of Mormon, Doctrine and Covenants, Voice of Warning, Spencer's Letters, Key to Theology, Hymn Book, Compendium, Pearl of Great Price, and some other books; also photographs of Joseph and Hyrum Smith, Brigham Young, John Taylor, Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, a photograph of the Temple as it appeared at the time. . . . Later in the day, the topstone was surmounted by the great statue—a figure intended to represent Moroni, the heavenly messenger who ministered to the youthful prophet, Joseph Smith, in 1823. The figure, over twelve feet in height, is of copper, heavily gilded. It is in the form of a herald with a trumpet at his lips." (*Ibid*).

<sup>92</sup>. Minutes of Conference, April, 1892, *Deseret News*—Weekly—of April 9th, p. 516.

<sup>93</sup>. "Even as late as one month prior to the date set apart for the dedication," writes Elder James E. Talmage, "there was so much yet to be done, as to make many feel that for once at least, the people had been mistaken in their belief that the Lord had spoken, and that the completion of the work by the time set, was a physical impossibility." ("The House of the Lord a study of Holy Sanctuaries, Ancient and Modern," by James E. Talmage, one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints, illustrated—1912—*Deseret News* print, p. 155).





Lord," "the Temple was thrown open for general inspection. Not only were members of the Church admitted; many honorable men and women who had never affiliated with the Church were invited to the number of over one thousand, and they passed through the Temple from basement to top."<sup>94</sup>

The official day of the dedication was the 6th of April, 1893,—forty years from the laying of the corner stones already described in these pages.<sup>95</sup> Dedictory services, however, were held daily—at which the Dedictory Prayer was always read from the 6th of April to the 18th of May inclusive.

"Usually," writes Elder Talmage, "Two sessions were held each day, but on the 7th of April, an evening session was added. While children under eight years of age, and therefore unbaptized, were not admitted to the general sessions, special days were set apart for their accommodation; thus April 21st and 22nd,—Friday and Saturday,—were reserved for Sunday School children, under the prescribed age for baptism."

"The prayer itself," writes our author, "is at once a sermon and a supplication; it is expressive of the inmost thoughts of the people; it is an epitome of the history of the Saints and the condition of the Church at the time."<sup>96</sup>

It was in this same year of the Temple's dedication—1893—that the Church sought a hearing at the World's Parliament of Religions, held in connection with the World's Columbian Exposition at Chicago. The idea of the World's Parliament of Religions originated with Mr. Charles Carroll Bonney in the sum-

94. Giving honorable members of the non-Mormon community an opportunity to go through this sacred building, was attended with the happiest results. It was greatly appreciated and highly spoken of by the non-Mormon press of the city.

95. See Chapter LXXXII.

96. "The House of the Lord," etc., pp. 160-161. The prayer is given in full, pp. 161-171. Chapter VI to VIII inclusive—of Talmage's work—treats of the Salt Lake Temple, and gives full information, both of its history and of its structure, exterior and interior.

The attendance at the dedicatory services of the Salt Lake Temple is not definitely known, since many attended more than one of the many sessions held. The attendance of course was by card and the least number in attendance was at the evening session of April the 7th—this service being arranged to accommodate the overflow from our previous sessions—at that session 2,100 were present. At other sessions more than 2,600 passed through the doors. "Estimating the five children's sessions as being attended by 12,000, half of whom had not attended before," says the *Deseret News*, Editorially, "it is a thoroughly conservative calculation to say that the dedication services have been attended by 75,000 people (*Deseret News*—Weekly—of May 6th, 1893).



mer of 1889, who, in the Stateman's Magazine of that year, set forth his views. The chief things to be accomplished by such a parliament, were authoritatively set forth in part as follows:

"To bring together in conference, for the first time in history, the leading representatives of the great Historic Religions of the World.

To show to men, in the most impressive way, what and how many important truths the various Religions hold and teach in common.

To promote and deepen the spirit of human brotherhood among Religious men of diverse faiths through friendly conference and mutual good understanding.. . .

To set forth, by those most competent to speak, what are deemed the important distinctive truths held and taught by each Religion, and by the various chief branches of Christendom."<sup>97</sup>

The promoters of the Parliament of Religions had failed for some reason to send any literature, or any invitation whatever to the authorities of the Church of the Latter-day Saints to participate in this world's great gathering of religions; but it was determined by the Church authorities to seek representation.

"Appreciating the value and importance of such a parliament as this is set forth to be," said the Presidency in a communication to Mr. Chas. C. Bonney, President of the World's congress auxiliary, "we are solicitous that the Church of Jesus Christ of Latter-day Saints should be represented; and present for consideration of the eminent religionists who will in this Congress be assembled, what we regard as the 'supreme truths,' and distinguishing characteristics' of our faith."

In support of the desirability of such representation they added:

"It will be scarcely necessary for us to call your attention to the fact that an abiding interest centers in what the world calls 'Mormonism;' that its purely American origin will make it of special interest in such a religious parliament as the one proposed; that its success in the face of the stupendous opposition it has encountered gives it the right to be heard in such an

97. The World's Parliament of Religions—Barrows, Chairman of the General Committee—1893—Vol. I, p. 18. The two volumes of this work constitute the official report of the Parliament.



assembly by its own accredited representative. All this we believe will be patent to you, and we therefore respectfully ask that the privilege be accorded us of sending a delegation to represent the Church of Jesus Christ of Latter-day Saints at the World's Religious Congress.'"<sup>98</sup>

No answer was received to this communication, and after waiting ten days a representative of the Church was sent to inquire into the causes of the delay. In the interview with President Bonney the representative learned that the letter of the First Presidency had been referred to the general committee of the management of the Parliament, and there was much difference of opinion as to just what reply ought to be made to the application for a hearing. The prevailing opinion was that the Church ought not to be admitted to representation, for the reason that it would doubtless prove to be a disturbing element in the parliament. Replying to the inquiry what grounds the committee had for thinking the Church of the Latter-day Saints would be a disturbing element in the parliament, he answered "because of the great prejudice that existed against the Church on account of its plural marriage system." "How would you answer," said Mr. Bonney to the representative of the Church interviewing him—"the objection urged against the representation of your church in the parliament because of its belief and practice of polygamy?" The answer was that such an objection to our admission to such a parliament as was to assemble ought not to be considered for a moment. The oriental religions, many of which at least tolerated the practice of polygamy, were not barred from representation in the parliament on that account; and if they admitted unchristian and polygamous religions from the East they ought not to bar those that were considered unchristian and polygamous from the West.<sup>99</sup> In the second place, the

98. Improvement Era, July, 1899, Vol. II, pp. 676-7, where the letter of the Presidency is given in full.

99. As a matter of fact, the management of the parliament had been at great pains to induce representatives of oriental religions tolerating polygamy, to be present and participate in the parliament, and they actually admitted to the parliament a representative of the Mohammedan faith—Mohammed Alexander Russell Webb—who was permitted to deliver two addresses in explanation and defense of his religion, including polygamy his speech being reported in the official record of the parliament, published by Rev. John H. Barrows, chairman of the general committee of religious congresses, pp. 939-96, and 1040-52.





Mormon Church had officially announced the discontinuance of plural marriages and therefore it was not a matter that should be considered when the question was discussed as to whether it should be admitted to the parliament, as reference to our marriage system need form no part of the statement of our faith further than to announce the discontinuance of the practice. It was further urged upon Mr. Bonney's attention that the Mormon Church had been accused of prosecuting its work only among the ignorant, and that it would not dare to come into contact with the enlightenment of our age and civilization; but now it proposed to come where the rays of religious light and truth were supposed to be focused, and place a statement of its doctrine and message to the world side by side with the creeds of all other religious; and for the parliament to object to its admission after such charges, as above explained, had been made against the "Mormons," would be inconsistent with the character of the great gathering and would come with bad grace from officers of the parliament.

The outcome of this interview and one or two others had with Mr. Bonney and Rev. John Henry Barrows, chairman of the parliament meetings, and much correspondence on the subject was that the representative of the Church of the Latter-day Saints, was to be admitted to the parliament and make the address which meantime had been prepared and submitted in writing to these gentlemen, and pronounced by them a good paper.

The time of the parliament's setting was drawing to a close when word was sent to the representative of the Church of the Latter-day Saints requesting him to deliver his address on the 25th of September, in "Hall 3," one of the committee rooms at the side of the great Columbus Hall where the main body of the parliament assembled, and was known as the "Scientific section of the Worlds Congress Auxiliary," and capable of seating perhaps fifty people. The representative of the Church of the Latter-day Saints answered that he would be pleased to make an address before the gentlemen who were wont to gather in "Scientific Section," provided such address would not bar him from making his address before the main parliament in the Hall of Columbus. In reply the representative was informed verbal-



ly by Rev. Dr. Barrows that the hearing in "Hall 3" was the only hearing intended to be granted the "Mormon Church." In answer to this the representative replied through a written note to the effect that to ask him to make his address in "Hall 3," and have that the only hearing that "Mormonism" was to have looked very like an effort to side track the Church he represented; for as a matter of fact, under the circumstances proposed by Mr. Barrows, the great parliament would hear of the "Mormon faith and Church either not at all, or else only as in a corner and darkly." A hearing such as could be obtained in "Hall 3" was not the kind of hearing the "Mormon" Church asked for or could accept. She asked to speak through her representative in the full parliament before all the world, having full time (half an hour) allotted to her in which to proclaim what to her were the great truths of religion. If that could not be accorded her by the parliament, she would be content with the distinction of being the one voice in all the world that could not be heard in such an assembly, and would seek other means for declaring her views, and announcing her mission.

That terminated the matter so far as the parliament was concerned; but the representative of the church of the Latter-day Saints made a statement for the press covering the whole treatment of the Church he represented which appeared in the Chicago *Inter-Ocean* of September 28th, in the form of an open letter to Charles C. Bonney, President of the World's Congress Auxiliary, and to Rev. Dr. John Henry Barrows, chairman of the General Committee of the Parliament of Religions.<sup>100</sup> A synopsis of the open letter was sent out by the associated press and widely commented upon editorially, especially by the great Chicago dailies, and quite generally adversely to the managers of the parliament, who attempted no defense of their treatment of the Church of the Latter-day Saints. The concluding para-

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100. The whole subject is treated at length in a series of three articles under the title "The Church of Jesus Christ of Latter-day Saints at the Parliament of Religions," *Improvement Era*, for 1899, beginning with the June number. In these articles will be found all the correspondence and interviews between the representative of the Church and the authorities of the Parliament, including the open letter to them published in the Chicago *Inter-Ocean*. The address prepared for the Parliament is published in *Defense of the Faith and the Saints*; 1907—Vol. I, pp. 7-22.



graphs of the Open Letter present the advantages held in this controversy by the representative of the Church. After a somewhat exhaustive statement of the treatment he had received, the representative said:

“Gentlemen, I have written my page in the history of your parliament; the world knows of your treatment, in part at least, of the ‘Mormon’ Church. What will you say to justify your conduct? Will you say that ‘Mormonism’ is such a new arrival in the religious field, and so small a society that you could not give it a place? I would reply, first, that you once agreed to give it a hearing in the parliament; and, second, I ask you to think of some five or six hearings given to the representatives of the Brahmo-Somaj of India, a sect which sprang into existence about the same time that the ‘Mormon’ Church was organized, and after its sixty-three years of existence numbers but six or seven thousand followers, as against over three hundred thousand people in the Church I represent; and the Brahmo-Somaj—while I admire the ability with which its claims have been set forth by its eloquent and learned representatives—does not occupy so important a position in relation to the religions of India as ‘Mormonism,’ does to Christianity.

“Will you say that you fulfilled your agreement to give me a hearing by offering me the privilege of reading my paper in a small side-hall, where I would have had from a score to hundred hearers? You ventured to insult me and my people with such a proposition. Do not insult the intelligence of the public by making such a statement, expecting that the public will accept it.

“Will you say that I represent a polygamous people? I would reply, What if I do? Do not the gentlemen who so ably represented the faiths of the Orient in your parliament, also represent polygamous peoples? But I explained to you in our interview that since the ‘Mormon’ Church had officially discontinued plural marriages that subject need form no part of the presentation of ‘Mormonism’ to the parliament, except to announce the fact of its discontinuance. Look at the paper I prepared for the Parliament, a copy of which you hold, there is not a word about polygamy. Were you really afraid that I would announce the position of the Church on that subject?

“Gentlemen, you should have extended a hearty invitation to the ‘Mormon’ Church to participate in your parliament, and given her representative a full and fair hearing, not in some out-of-the-way corner, but in the general parliament. You should





have done that if for nothing else than to have had the joyful news proclaimed that polygamy had been discontinued by the 'Mormons'. If you thought us in error, as Christian ministers, you should have been anxious to learn and have the world find out wherein we were in error, that you, as lovers of human souls could find out wherein we were wrong, and then in kindness and for our good show us our error—and what could have been better for you Christians than to have exposed our error from our own statement of our faith, and then reclaimed us? But you have missed your opportunity. I hold the smiling, and seemingly benevolent mask of toleration and courage, behind which the parliament has been hiding, in many hands, and the old harriidan of sectarian bigotry stands uncovered, and her loathsome visage, distorted by the wrinkles of narrow-mindedness, intolerance, and cowardice, is to be seen once more by all the world.

"Gentlemen, 'where you should have been lions, you have been hares; where foxes, geese.' Turn which way you will and you will be confronted by the facts which proclaim that you have shrunk before the fear of public sentiment within your own respetive churches, all unmindful of that greater public sentiment outside of your churches which demands generous, open and fair treatment, even for 'Mormons' in such a gathering as your parliament purported to be. . . . Gentlemen, I have taken an appeal from your parliament to a greater one, the parliament of an enlightened public opinion, and I challenge you to appear before it and explain your conduct."<sup>101</sup>

The judicial crusade in Utah, extending through the Taylor and Woodruff administrations, resulting in so many leading men being driven into exile, unexpectedly benefited the Church in two ways: First, many of the exiles went into the foreign missions of the Church and greatly increased their efficiency, because they were men of matured minds, large experience, and of earnest purpose; second, it contributed to the territorial expansion of the Church, since it compelled men involved in this order of family life to seek for homes in other countries than the United States, chiefly in Mexico and Canada.

The movement into Mexico first began from the Arizona settlements, where the enforcement of the law at first was not less

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101. Chicago *Inter-Ocean* of Sept. 28th, 1893.



rigid in the cases that came before the courts, than in Utah;<sup>102</sup> and a number of those convicted were sent to the "House of Correction" at Detroit, Michigan.<sup>103</sup>

The first company to leave Arizona for Mexico was formed at Snow Flake, under the leadership of Edward A. Noble. This in February, 1885. They numbered about seventy souls and went *via* Luna Valley, New Mexico, and by the seventh of March, reached the vicinity of Ascension on the Casas Grandes river, state of Chihuahua, where they formed a temporary encampment. Their presence here created some excitement among the native Mexicans, and the governor of Chihuahua, on the 9th of April, ordered them to leave the state within fifteen days. Some of the leading Elders in the company and Elder George Teasdale, of the council of the Twelve, who had come to the encampment at Ascension, hastened to Chihuahua, the capital of the state, and presented the case of the exiles to the governor, who consented to refer the matter to the federal authorities at the City of Mexico. Here the following month Elder Brigham Young, son of the late President Brigham Young, and Elder Moses Thatcher, both of the council of the Twelve waited upon and had several interviews with President Proferio Diaz and members of his cabinet, Mariscal, minister of foreign affairs, and Carlos Pacheco, minister of the interior and of colonization. The result of the interviews was that the order of the governor of Chihuahua was revoked; and some time afterwards when under anti-Mor-

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102. Indeed at one time the enforcement of this law in Arizona threatened to be even more severe than in Utah. Judge Howard, at Prescott, sentenced three of the brethren to three years and six months imprisonment and to pay a fine of \$500 each for the misdemeanor of unlawful cohabitation, which the court construed into "polygamy," and tried and convicted the three brethren accordingly. This on December 5th, 1884. (See *Deseret News*—Weekly—Dec. 10th, 1884). After nearly two years of unjust imprisonment, in consideration of the fact that they had been wrongfully imprisoned, the three brethren were pardoned by President Cleveland, Oct. 13, 1886.

103. Detriot to the brethren in Arizona was the "American Siberia," and banishment to it increased the severity of the punishment very greatly both in the minds of those who were sent there, and in the community mind. "I was hardly prepared today to suppose that we needed an American Siberia," said President John Taylor, in his last public address, and just after his return from Arizona, "but this is the fact. We have here in America today an 'American Siberia' in Deroit, to which place, upwards of two thousand miles from their homes—men are banished for a term of years."—*Deseret News*—Weekly—of Feb. 25, 1885.



mon pressure he issued another order for the Mormon exiles to leave the state, he was removed from office.<sup>104</sup>

Recognizing the necessity of some place of refuge for brethren likely to be hard pressed in the Latter-day Saint settlements in Arizona, and Southern Utah, the general Church authorities at Salt Lake City early in January, 1885, had sent an exploring and purchasing committee to northern Mexico to look for desirable locations. The Eastern slope of the Sierra Madre mountains in Northern Chihuahua were explored, and tracts of land selected and purchased on the Peadres Verdes river, southwesterly from Casas Grandes, and here the Arizona exiles and others settled, naming their settlement *Juarez* after the Mexican hero general, and late President of the republic.

The Mormon settlers held a public celebration on the occasion of naming their city, raised a flag pole and saluted the Mexican flag. This on the 21st of March, 1886. Later it was found that the town site selected was outside of the purchased area, which necessitated the removal of the settlement some two miles westward from the first location. This became the prosperous and beautiful Colonia Juarez, the home of many Latter-day Saints. Other settlements were formed in this region of Northern Chihuahua. A town site was surveyed on lands purchased north of La Ascension, and a ward organized of which Wm. D. Johnson was chosen bishop. The survey was made in August, and the ward organized on the 9th of November following.<sup>105</sup> The settlement was named Colonia Diaz, in honor of the president of the republic. A settlement was planted in Corralles Basin, called Colonia Pacheco, in honor of the Mexican minister of the interior and colonization, Carlos Pacheco. In February, 1891, Pacheco was made an ecclesiastical ward with Jesse N. Smith, Jr., as Bishop. The same year, July 18th, Saints who had settled near Casas Grandes on a most noble plateau valley were organized into a ward under the name of Dublan, with Winslow Farr as Bishop. These several colonies and a number of settlements in the state of Sonora-Oaxaca,

104. L. D. S. Biographical Encyclopedia, Art. Moses Thatcher, Vol. L, p. 136.

105. See Jensen's Church Chronology for the months of August and November, 1886.





Morelos, and San Jose being the principal ones—were plated, very much in the same manner as the Latter-day Saint settlements in Utah were plated. In addition to carrying on diversified farming, fruit culture and stock raising in these Mexican colonies, saw mills were established in the timber belts of the Sierra Madre Mountains, and an era of material prosperity attended upon the people. At a special conference held at Colonia Juarez on the 9th of December, 1895, the several Latter-day Saint settlements were organized into a stake of Zion, with Anthony W. Ivins as President, and Henry Eyring and Helaman Pratt as counselors.<sup>106</sup>

Of course all the helps in government were established that attend upon and everywhere follow the Church organization—Woman's Relief Societies, Sunday Schools, Young Peoples Mutual Improvement Associations, and Primary organizations for children; and, what was most important of all in this line, they founded the Juarez Academy, where high school and some college work was given, an example of educational advancement much needed in the Republic of Mexico, as were also the examples in advanced methods of fruit growing, farming, gardening, colonizing and home building generally. But all these enterprises and examples so advantageous to Northern Mexico have been seriously halted, if not in large part destroyed by the anarchy that has prevailed in Mexico since 1911 until the present (1915) time. Of all who have suffered in loss of property from the reign of anarchy through these trying years in Mexico the Latter-day Saint colonists perhaps have suffered most. Thousands of them have had to abandon their homes and leave their prosperous settlements a prey to the spoilers, first of one party and then of the other, who have repeatedly sacked them.

The movement to establish Latter-day Saints colonies in Canada began by President Taylor appointing Charles O. Card, president of the Cache Valley stake of Zion, to explore British Columbia and the province of Alberta with a view to finding desirable places for settlement of the Latter-day Saints. This in September, 1886.<sup>107</sup>

106. See Jensen's Chronology for Dec., 1895.

107. L. D. S. Biographical Encyclopedia—Jensen—Art. Chas. O. Card, pp. 297-8.



He reported favorably of locations in Southern Alberta province; and, in the following spring, in company with Thomas E. Ricks of Rexburg, Idaho, President of the Bannock now, (1915) the Fremont stake of Zion; Bishop Thomas Smith, of Logan, Utah; and Elder Nills Monson, he located a place for a settlement on Lee's Creek, a tributary of St. Mary's river, Alberta, Canada. A few days later settlers from Cache county, Utah, arrived and plowing and other work of founding the colony began in good earnest. By October of the year following the colony had increased to such numbers that at a conference of the settlers held on the 7th of that month, an ecclesiastical ward was organized by Francis M. Lyman and John W. Taylor, of the council of the twelve apostles. Anthony Woolf was made the bishop, and the settlement was named Cardston in honor of its founder, Charles O. Card. Seven years later there were in existence three bishop's wards in Alberta Province; Cardston, already described, Aetna on St. Mary's river, and Mountain View, on Fish Creek, the last two having been organized as wards on December the 17th, and the 24th, respectively, 1893. The three wards were organized into a stake of Zion on the 9th of June, 1895, with Charles O. Card as President, and John A. Woolf and Sterling Williams as counselors. After this settlements multiplied quite rapidly throughout the southern part of the province of Alberta, until it was found necessary in August, 1903, to divide the Alberta stake of Zion into two stakes; the group of settlements in the western division retaining the name of Alberta stake,<sup>108</sup> and the group of settlements in the eastern division forming Taylor stake,<sup>109</sup> named in honor of John W. Taylor, then a member of the Apostle's quorum, who had been active in promoting the development of these Canadian colonies. The colonies are prosperous and constitute undoubtedly, a permanent territorial division of the Church. In proof of which it is only necessary to state that on the 27th of July, 1913,

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108. The Ecclesiastical wards comprising this stake are now (1915) Aetna. Beazer, Cardston, Second; Claresholm. Frankburg Genwood. Hill Spring, Kimball. Leavitt, Mountain View. Orton, Pine Coulee (Stavely) Star Line (Claresholm), Taylorsville, Woolford.

109. The wards comprising this stake of Zion now (1915) are as follows: Grassy Lake, Leonard (Barnwell), Lethbridge, Margrath, Raymond 1st, Raymond 2nd, Sterling, Tabor, Welling.



the site for a temple was dedicated at Cardston by President Joseph F. Smith and a company of high Church dignitaries from Salt Lake City, which temple is now nearing completion. It is the first structure of the kind built by the Church outside of the United States.

Although the Canadian settlements were founded by men involved in the plural marriage system of the Church of the Latter-day Saints, it was not the purpose of the Church authorities to introduce polygamous living into the Dominion, nor have they done so; but the existence of these colonies did make it possible for men involved in plural marriage to locate a family in these settlements, and care for it with something like freedom and decency, which but for such place of refuge, under the judicial crusade then carried on in Utah, Arizona, and Idaho, would have required them to neglect or abandon. The completest harmony and good feeling have always existed between the latter-day Saints and both the Provincial and the Dominion governments of Canada.<sup>110</sup>

The remaining events to be treated in President Woodruff's administration are largely of a political character and will be grouped in a chapter by themselves.

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110. The Canadian Parliament, however, on the 11th of April, 1890—the very day that the Struble bill was introduced into the American house of representatives and referred to the house committee on Territories, and having for its object the disfranchisement of the Latter-day Saints of Utah—amended the criminal law of the Dominion, making polygamy punishable with five years' imprisonment instead of two as heretofore. The legislation was undoubtedly passed in anticipation that an influx of Mormons into the Dominion might make it necessary to check polygamy in the "Mormon colonies should it make its appearance there." (See Jensen's Church Chronology, date of April 11th, 1890, p. 183).





CHAPTER CXXII

THE FIRST CLEVELAND ADMINISTRATION AND ITS EFFECTS ON MORMON AFFAIRS IN UTAH—GREAT EFFORT TO OBTAIN STATEHOOD 1887-9—DISAPPOINTMENT. THE WOODRUFF MANIFESTO OF 1890—ACCEPTANCE AND REJECTION OF BY GENTILES—HARRISON'S ADMINISTRATION AND THE MORMON QUESTION—THE HARRISON FEDERAL APPOINTMENTS FOR UTAH—THE PRESIDENT'S VISIT TO UTAH—DISSOLUTION OF LOCAL POLITICAL PARTIES—THE S. L. TIMES INTERVIEW—ELECTION OF 1895—CHURCH INFLUENCE CHARGED—RESTORATION OF PERSONAL PROPERTY TO THE CHURCH—PASSAGE OF UTAH'S ENABLING ACT—UTAH'S CONSTITUTIONAL CONVENTION—SETTLEMENT OF THE POLYGAMY QUESTION—ELECTION OF 1895—THE CHURCH POLITICAL MANIFESTO—INAUGURATION OF UTAH'S STATE GOVERNMENT—CLOSING YEAR OF PRESIDENT WOODRUFF'S ADMINISTRATION—CHANGE IN SEALING ORDINANCES—DITTO FAST DAY—THE JUBILEE CELEBRATION OF PIONEER DAY—DEATH OF PRESIDENT WOODRUFF—HIS JOURNALS.

It has already been said that with the advent of the national Democratic administration in 1884 marked changes in the federal administration of affairs in Utah had been hoped for, and how those hopes had met with disappointment and why.<sup>1</sup> But while the expected changes did not come for some time—and in some respects did not come at all—through the appointment of federal officers for the Territory, the Democratic national victory of the year named stimulated movements in Utah that did ultimately lead to important results in the affairs of the commonwealth and the relations of the Church of the Latter-day Saints to the state.<sup>2</sup>

For some time John T. Caine delegate from Utah, elected by the People's Party, had been a member of the Democratic congressional campaign committee; Geo. Q. Cannon had quite generally been regarded as affiliating with that party, so that Utah

1. Chapter CXIX

2. Note has already been taken of the effort to align the people of Utah with the National political parties in 1872, in connection with the statehood movement of that year, and its failure. See Chapter CXIII. *Americana* for Dec., 1914.



was understood as being Democratic in its political tendencies.<sup>3</sup> For a time it seemed that enthusiasm over the party's victory in the nation would unite Mormon and Gentile Democrats of Utah in celebration of it; but the times were not ripe for such a consummation. In the midst of the preliminary steps for bringing about the formal celebration to take place on the night of November 8th, the parties discovered that they were still "Mormons" and "Gentiles," and the elements were not yet prepared to drop these distinctions and amalgamate as citizens in a united political party. However the spirit of the national victory had seized the people who felt that they were Democrats and the celebration went on, although somewhat informally. There were bonfires at several points; at the head of Main street, at sundown, cannons which had been silent since 1870, when the Territorial militia was disbanded, fired a hundred salutes; speeches were delivered from the balcony of the old city hall. A dispatch conveying congratulations to Grover Cleveland was sent from this meeting, saying: "Ten thousand citizens of Salt Lake tonight are enthusiastically celebrating your election. Their joy is as sincere and honest as their jollification is demonstrative." It was signed by John T. Caine as chairman.<sup>4</sup>

On the 19th of the month the Gentile Democrats, posing as the real Democrats of the Territory, held a more formal meeting at the Walker Opera House, in which a strong anti-Mormon sentiment developed, captain Ransford Smith, who in the election just then closed had been the badly defeated opponent of John T. Caine in the race for delegate to congress, remarking that it had been "left to the Democrats to wipe out the remaining 'Twin Relic.'"<sup>5</sup> It was doubtless the purpose of the "Gentile Democrats" to fall heir, if possible, to the federal appointments in Utah.

Meantime there had grown up in Utah native sons of the Ter-

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3. Such a conclusion would be justified by the fact that on the one hand the Republican party had really inaugurated the anti-Mormon legislation, and on the other, such objections as had been made against anti-Mormon legislation, as being destructive of human rights and therefore unconstitutional, had come from the Democratic side of both the national legislative houses.

4. Tullidge's Hist. Salt Lake City, pp. 855-6, where the telegram in full will be found

5. Tullidges' Hist. Salt Lake City, p. 856.



ritory, who had taken to educational pursuits and professional life, and while largely of Mormon parentage felt only in a measured portion the religious enthusiasm of their fathers for the faith of the New Dispensation. These were growing restive under the restraints and limitations enforced upon the Territory by reason of the local contentions of Church and anti-Church parties, and desired to be rid of the strife. A number of such natives of Utah between the election of 1882 and that of 1884—but more especially in the summer of 1884—undertook the founding of Democratic clubs, through which they sought to change conditions by insisting upon obedience to the anti-polygamy laws and the separation of Church and state.<sup>6</sup> On the other hand they were opposed to the anti-Mormon plan of working for the establishment of a Utah legislative commission. "Local self-government is a cardinal principle of Democracy," they said in the fifth paragraph of their declaration of principles, "and as such we endorse it." They said this principle was in danger from both of the local political parties, which danger they thus described:

"On the one hand, a local political organization appeals for the abrogation of all local self-government in this Territory by the establishment of a legislative commission. On the other hand an opposing political organization has afforded, by the conduct and declaration of its most influential members, the means by which the former might make its appeal successful. . . . The withdrawal of all powers of government from the people, implied in the establishment of a legislative commission, would be to remove all inducement or encouragement to political activity and independence, and by the lethargy which would ensue, engender utter indifference to the exercise of free and intelligent political thought and action. This would but aggravate the evils which it is designed to cure and can, of course, find no support, except by those who believe the application of free principles inadequate to human government."<sup>7</sup>

6. This Democratic club movement took high ground. It reaffirmed and endorsed the national platform adopted at Chicago on the 8th of July, 1884. It held that "the affairs of the government can be safely entrusted to the intelligence of a free people." About this declaration, and one other, *viz.*, that "politically all men are created free and equal: the priest and the layman, must stand upon the same plane, we reaffirm that the affairs of the church and state ought to, and must be, forever separate and distinct, locally and nationally—" on these two declarations the whole movement rested.

7. See Tullidge's History of Salt Lake City, pp. 857-8.





The one thing in which the movement most gave offense was in its eighth and ninth declaration, viz.,

"We firmly repudiate the idea that any citizen is under obligation to take his political counsel from those whose avowed purpose is a continued violation of law.

"We shall struggle to make predominant the sentiment that every citizen should and must obey every law until, by legitimate agitation, if obnoxious or unjust, its abrogation or repeal can be secured."

The Democratic club movement antagonized both the People's party and the Liberal party and under the conditions then prevailing, however lofty its purpose or pure its motives, was doomed to failure. A daily newspaper was begun in support of the movement, the Salt Lake Daily *Democrat*, the first number of which was issued on 2nd of March, 1885. The movement and its organ supported Captain Ransford Smith in the campaign of 1886, with the result already announced.<sup>8</sup> Both the club movement and its organ had but a precarious life, lasting only about two years; the *Democrat* went out of existence in July, 1887, and with its demise interest was lost in this premature movement for Utah's political redemption.<sup>9</sup>

What the Democrat Club movement of 1884-1887 failed in, the "Sage Brush Democracy," though in less formal manner, undertook to do in the political campaign of 1888. Early in October

8. They also nominated members for the council districts comprising Salt Lake, Davis, and Tooele counties—R. C. Chambers, Jos. L. Rawlins, John A. Marshal, C. E. Mitchner; for members of the lower house from Salt Lake, Davis and Morgan counties—Wm. G. Sharp, Jos. M. Benedict, Abram F. Doremus, A. L. Williams, H. D. Ripetto, Stephen Hales; for Salt Lake county, Superintendent of public schools, Jos. T. Kingsbury; for selectman for Salt Lake county, Boliver Roberts. None of these candidates were elected.

9. The coterie of young men who instituted this club movement for the relief of Utah from what was rapidly becoming intolerable conditions, was very respectable and very honorable, comprising men who afterwards became noted as contributing to the commonwealth's progress. They numbered among them Joseph L. Rawlins, the president of the Club at Salt Lake City, later to become delegate to congress from the Territory, and in that capacity to introduce the bill that became the enabling act for Utah's statehood, and still later to be U. S. Senator from the state of Utah. J. T. Kingsbury, later and for twenty years, and now (1915) President of the University of Utah; Alfaes Young, son of the late President Brigham Young, vice president, was also editor of the organ of the movement, the Salt Lake *Democrat*, and is still an active journalist, connected (1915) with the staff of the *Deseret Evening News*. In addition to these were a number of others who are prominent in the professional business, and social life in Salt Lake City and Utah.



advantage was taken of the presence in Salt Lake City of many Democrats from all parts of Utah Territory, who were either in attendance upon the semi-annual general conference of the Church of Latter-day Saints, or who had taken advantage of the low railroad rates always allowed on these annual and semi-annual occasions to visit the city. About one hundred Democrats in all gathered at the old City Hall on the corner of first south and state street and here effected their organization, and although the meeting was largely impromptu, it placed a candidate in the field for delegate to congress. This was S. R. Thurman, of Provo, then a young practicing attorney at law. The movement elicited much humor both from the Republicans of the Territory and many of the older Democrats, who were persuaded that nothing could come of such an effort to align the people of Utah with the national parties under conditions then existing. Both the People's party and the Liberal party—Mormon and Gentile, frowned upon this new political bantling, which the Salt Lake *Tribune* contemptuously dubbed "sage brush democracy." The promoters of the party, true to the American genius in such things, seized upon this derisive term and made it the party title, and the "sage brush"—the "*artemisia*" of Fremont's books, and scientific classification—became the party's emblem.

For a time the Salt Lake *Herald* sustained the movement, but Mr. John T. Caine, candidate of the People's Party was part owner of the *Herald*, and many of his friends were owners in it—they held doubtless the majority of the stock—and it could not be expected that they would tolerate support of any opposing candidate to Mr. Caine. It suddenly withdrew its support from the "Sage Brush" Party<sup>10</sup> and supported the "People's Party Candidate" John T. Caine. Mr. Thurman polled but 511 votes, and "Sage Brush Democracy" was as dead as was the Democratic Club movement which preceded it.

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10. Mr. Thurman's description of this change of front on the part of the *Herald* was most humorous. He said the *Herald* had for a long time talked Democracy; it pined for Democracy; and when it got Democracy from the "Sage Brush" party it said it was satisfied with the brand it had received, and which it proposed to sustain. Then all of a sudden, it stopped. Stopped short, like "Grandfather's Clock," "never to go again." A little hesitancy of speech in the speaker, not quite a stutter, but added a charm to the verbal description.



It has already been noted that an effort was made during the first Cleveland administration—1887—to obtain statehood for Utah; that a clause was inserted in the Constitution submitted declaring against bigamy and polygamy, making each a misdemeanor; making the section operative without further legislation, and irrevocable and unamendable without the concurrence of the President of the United States and congress; the amount of fine and imprisonment was fixed and the offenses were not barred under three years by statute of limitations.<sup>11</sup> All this, however, being but the action of a constitutional convention, and not the action by the Church of the Latter-day Saints, did not appeal to the Democratic Congress as sufficient to meet the demands of public sentiment in the United States, and therefore it refused to act upon a measure for Utah statehood.<sup>12</sup> The senate committee on Territories, to whom the Utah constitution and accompanying memorials and petitions of 1887 had been referred, reported adversely on the subject on the 26th of March, 1888, and was discharged from further consideration of the subject.

Notwithstanding this disappointment administered by a Democratic congress a determined effort was continued by leading Church authorities for the admission of Utah through the influence of the administration,<sup>13</sup> in the closing months of 1888, and during the months of 1889 through which the Cleveland administration continued. It was proposed to the Church authorities in this period that there should be an official abandonment of plural marriage in connection with this effort for statehood, and the form of the renunciation was presented for consideration to the council of the apostles, but at that time, December, 1888, the proposition was unanimously rejected by the Apostles—then the pre-

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11. See Chapter CXX this History.

12. This Movement, however, was strongly supported by the First Presidency and other leading Elders of the Church; and President Joseph F. Smith was sent to Washington to direct the efforts of the friends of Utah at the capitol. See Woodruff's Journal, *Ms.*, entry for Aug. 12, and 13, 1887, and Feb. 2nd, 1888. Elder C. W. Penrose, John W. Young, and Franklin S. Richards were associated with President Smith in this effort, as of course was the Utah Delegate, John T. Caine, Geo. F. Gibbs and L. John Nuttall—the latter secretary to Caine, acted as secretaries of the delegation. President Smith and Elder Penrose left for Washington on the 11th of February. On the 18th Caine and Richards submitted arguments before the senate Committee in favor of Utah's admission.

13. See Woodruff's Journal Entry of Oct. 29, 1888.





siding Council of the Church.<sup>14</sup> "It was in the closing months of President Cleveland's administration that provisions were made for the admission of four new states into the Union, *viz.* North Dakota, South Dakota, Washington, and Montana.<sup>15</sup> Strenuous efforts also were being made for the admission of Idaho, Wyoming, and Arizona. It was hoped that in this "omnibus" movement, Utah also could secure admission. In pursuance of this object the delegation from Utah put forth every effort. The brethren appointed from Utah arrived in Washington on the 5th of January, and aided by John W. Young, already in the East and Isadore Morris, a resident of Salt Lake City, who went to Washington at his own expense to render assistance, they had several interviews with President Cleveland. They also visited the cabinet, nearly all the congressmen, and had personal interviews with them in relation to Utah's admission. Franklin S. Richards and John T. Caine, assisted by Judge Jeremiah M. Wilson, an eminent constitutional lawyer of national reputation, as special counsel, appeared before the house committee on Territories and made exhaustive arguments for the admission of Utah, but all to no avail. The committee made its report to the house on the 6th of February, recommending the admission of Idaho, Wyoming and Arizona, but not Utah. Later, March 2nd, Mr. Springer of Illinois, Chairman of the house committee on Territories reported a bill to the house for the admission of Utah, and recommended that it be placed on the calendar for consideration and action of the house. Struble of Iowa filed a minority report, adverse to the recommendation,<sup>16</sup> and as two days later the 49th Congress would go out of existence, nothing came of Springer's favorable report.

The opponents to Utah's admission, who appeared at Washington, were *Messrs.* R. N. Baskin, John R. McBride, E. P. Ferry, P. H. Lannan, manager of the *S. L. Tribune*, and Governor West. Mr. F. T. Dubois of Idaho, was also enlisted on the side

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14. See Woodruff's Journal (*Ms.*) entry for Dec. 20th, 1888.

15. "President Cleveland signed the bill providing for these additions to the family of states on the 22nd of February, 1889. . . . The conditions precedent to their admission, however, were not fulfilled until later, and President Harrison made proclamation of the final acts of admission during the first year of his administration." Hist. U. S., Bryant-Gay-Brooks—Vol. V. p. 578.

16. See Congressional Record of March 2nd, 1889, house proceedings.



of the opposition. They won a victory against Utah, and the first Cleveland administration, of which so much had been expected in Utah, ended in disappointment to the people of that Territory.

Naturally there was some anxiety as to what would be the attitude of the incoming Republican administration, towards Utah and the Latter-day Saints, with Benjamin Harrison, President.

The Republican platform of 1888 had promised to do everything in its power "to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho and Arizona to the enjoyment of self-government as states;" but respecting Utah, the platform said:

"The political power of the Mormon Church, in the Territories, as exercised in the past, is a menace to free institutions and dangerous to be long suffered; therefore, we pledge the Republican party to appropriate legislation asserting the sovereignty of the nation in all the Territories where the same is questioned, and, in furtherance of that end, to place upon the statute books, legislation stringent enough to divorce the political from the ecclesiastical power, and thus stamp out the attendant wickedness of polygamy."

Elected upon a platform pledged to such a policy it is no marvel if there was some discouragement experienced in Utah with reference to Territorial and Mormon Church affairs when news arrived in Utah of Harrison's election. Moreover the appointments by President Harrison indicated that he was in full harmony with the platform declarations of his party. There was no such delay in making the federal appointments for the Territory, as in the case of Cleveland's administration. About two months after his inauguration (*viz*, May 6th, 1889), the President appointed Mr. Arthur L. Thomas, governor of Utah, succeeding Caleb W. West. Mr. Thomas had indicated for some time strong anti-Mormon tendencies both as former secretary of the Territory and later as a member of the Utah commission, from which position he was now advanced to the governorship. Thomas was succeeded on the commission board by Mr. Alvin W. Saunders of Nebraska, who received his appointment on the



14th of May. The day following Thomas' appointment as Governor Elijah Sells was appointed Secretary of the Territory, succeeding Wm. C. Hall, and Ellsworth Daggett was made surveyor general. Judge Chas. S. Zane was reappointed chief justice of Utah. This on the 24th of May, and took the oath of office on the 3rd of June, succeeding Judge Elliott Sanford, dismissed. As Judge Zane's former term as chief justice did not expire until July, 1888, he was out of office in Utah less than one year. The harshness of Judge Zane in the administration of the congressional anti-polygamy laws has already been noted, and naturally his reappointment was regarded as ominous for Latter-day Saint offenders in that class of cases. The controversy that arose over the removal of chief justice Sanford to make way for the reappointment of Judge Zane is of great interest.

When informed by Harrison's Attorney General, Mr. W. H. Miller, that in the opinion of the President the public service would be subserved by a change in the office of chief justice of Utah, and he would be pleased to receive his resignation. Judge Sanford asked if there were any charge of misconduct or malversation in office, or any complaints preferred against him. "In case of such charge," he wrote Miller, "I think you will agree with me that it will be unwise, unbecoming, and improper to proven or disproven and disposed of. . . . I may add that resign the office of chief justice until they have been either if a change is necessary *for political reasons only*, the President can have my resignation as soon as the business of the court and the proper disposition of matters now pending before me will permit."

Replying to this inquiry the Attorney General said: "I beg to say that there are on file in this department some papers complaining of the manner in which your judicial duties are discharged.<sup>17</sup> Independently of these particular complaints, however, the President has become satisfied that your administration of the office was not in harmony with the policy he deemed

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17. It has already been stated that Sanford had inaugurated a milder administration of the anti-polygamy laws than Utah had previously known, and it was this leniency that was complained of at Washington.





proper to be pursued with reference to Utah affairs, and for this reason he desired to make a change, and out of courtesy gave you an opportunity to resign. As you did not see fit to embrace this opportunity, the President has removed you and appointed your successor."

Answering this announcement of dismissal from office, justice Sanford very nobly said:

"I have the honor to say that my earnest purpose while on the bench, as chief justice of this Territory, has been to administer justice and the laws honestly and impartially to all men, under the obligations of my oath of office. If the President of the United States has any 'policy' which he desires a judge of the supreme court to carry out in reference to Utah affairs, other than the one I have pursued, you may say to him that he has done well to remove me."<sup>18</sup>

The appointment of Judge Zane was followed about a month later by the appointment of Elias H. Parsons to be U. S. Marshal, succeeding Frank H. Dyer, resigned; and Chas. S. Varian, U. S. district attorney, succeeding Geo. S. Peters, resigned. Both these men, but especially Mr. Varian, had been prominently identified with the anti-Mormon party in Utah.<sup>19</sup>

All these appointments foreshadowed a vigorous enforcement of the Republican anti-Mormon policy in Utah.

In the latter part of the month of April, 1889, Presidents Woodruff and Cannon, in company with Bishop H. B. Clawson,

<sup>18</sup> The Correspondence in full will be found in Whitney's Hist. of Utah, Vol. III, pp. 668.

<sup>19</sup> Mr. Varian previously acted for some years as assistant district attorney under Mr. Wm. H. Dixon. Both Mr. Dixon and Mr. Varian came to Utah, as also did Judge C. C. Goodwin, so long editor of the *S. L. Tribune*, from Western Nevada, a seething hot bed of apostate Mormons, and the home of Judge Cradlebaugh and other bitter anti-Mormons. Here some of the worst renegade Mormons made their abode, and it was on the route between Utah and California where the restless elements of Utah "Mormons" passed and repassed in coming and going between California and Utah before the advent of the railroad. This resulted in bringing the group of gentlemen named in contact with the worst element of the Utah Mormon community, and their bitterest enemies, which could not fail to deeply prejudice the minds of these men against the Latter-day Saints and their religious beliefs; and accounts, in part, for their intense prejudice and activity against the Church of the Latter-day Saints and its doctrines. Of Mr. Varian it should be said that he afterwards was a member of the State constitutional convention, and in the constructive work of making the constitution of Utah, no man in the convention did more or better work than he did; and he will be remembered as one of the foremost citizens of Utah in that period of her history.



visited San Francisco, where they met Mr. W. W. Stow and other gentlemen connected with the Southern Pacific railroad, Mr. C. P. Huntington, Mr. A. N. Towne, Mr. Gay, also with Hon. Leland Stanford, United States Senator from California. Judge M. M. Estee, who had been the permanent chairman of the Republican Party convention at Chicago, which had nominated Mr. Harrison for President, Mr. Alexander Badlam, a nephew of Samuel Brannan, of early Mormon and San Francisco fame, and Mr. Isaac Trumbo who seemed with Mr. Stow to have been active in bringing about this interview. All of them professed more or less interest in Utah and Mormon people affairs. Mr. Stow suggested and finally rather insisted upon Senator Stanford writing a letter to President Harrison requesting him not to make Utah appointments hastily, but to wait until he came to know more about the situation.<sup>20</sup> Either Senator Stanford's letter did not reach President Harrison in time to influence his appointments for Utah, either as to haste of making them, or in personnel; or else he decided not to be influenced by what the California senator presented.<sup>21</sup>

Meantime the prosecutions under the Congressional anti-polygamy laws continued in Utah.

President Harrison visited Salt Lake City on the 9th of May, 1891, on the occasion of his returning from the Pacific Coast. His welcome to Utah and Salt Lake City was most hearty, but the occasion was somewhat marred by the local division of the people existing at the time, there being a manifest determination on the part of the committee in charge of the President during his brief visit to the city—part of one day only—"to keep," so one account rendered it, "the virtues and progress of the 'Mormon' people as far as practicable in the shade."<sup>22</sup>

20. Woodruff's Journal, MS., entry for 23rd and 24th of April, 1880.

21. Most likely the latter. Senator Stanford expressed his doubts as to anything he might write upon the subject influencing Harrison in the matter, as he had conversed with the President upon the subject of Utah affairs some time before, and expressed to the gentleman present at the interview his "fear" that Harrison was bigoted, "and is too much wedded to the Presbyterian Church," that is, to do anything in toleration of the Mormon situation. Still Stanford promised to write the letter requested. *Ibid.*

22. *Deseret News*—Weekly—of May 16th, 1891, pp. 661-666, where a full account of the visit, the speeches, the processions, and various features of the occasion are given. The remark quoted in the text is made in connection with the account of a gathering of all the Mormon Sunday School children of the city



The President gave no evidence of having softened the declared policy of the Republican party with reference to the Church of the Latter-day Saints, notwithstanding the Woodruff Manifesto that had been adopted by the Church, published between the time of his election and the time of his visit to Salt Lake City. In his speech at Liberty park the President spoke glowingly of the recent admission of the Dakotas, Washington, Montana, Idaho and Wyoming; but coming directly to the problem which Utah presented with reference to entering the Union, he said:

"We are a people organized upon principles of liberty; but, my fellow-countrymen, it is distinguished from license; it is liberty within and under law. (Cheers). I have no discord as a public officer with men of any creed, religious or political, if they will obey the law. My oath of office, my public duty, requires me to be against those who violate it. But, after all, the foundation of American life is the American home. That which characterizes and separates us from nations whose political experience and history have been full of strife and discord, is the American home, where one mother sits in single, uncrowned honor the queen of her home. (Cheers). And now, my countrymen, I beg to assure you that in every hope you have for Utah running on these lines of free government, on these lines of domestic and social order, I have for every one of you the most cordial greeting, and enter with you into your most gorgeous hopes. God bless and keep you all, and guide you in those same paths of social purity and order and peace that shall make you one of the great commonwealths in the American Union."<sup>23</sup>

Subsequently, *viz*, December 19th, 1891, a petition for amnesty was sent to President Harrison in behalf of those who were "under disabilities because of the operation of the Edmunds-Tucker law." This because the object of the government had been attained—the vindication of its own authority—in the surrender of polygamy by action of the Church in accepting the Woodruff Manifesto. The closing paragraphs of the petition are as follows:

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with the celebrated Tabernacle Choir ready to render patriotic songs in honor of the President, for whose coming they waited for hours—but the President was not allowed by the governor and the committee in charge of the day's proceedings, to pay a visit, however, brief, to the building which is one of the chief attractions of the city"—Editorial, *Ibid*, p. 658.

23. *Ibid*, p. 665.





"To be in peace with the government and in harmony with their fellow-citizens who are not of their faith, and to share in the confidence of the government and people, our people have voluntarily put aside something which all their lives they have believed to be a sacred principle.

"Have they not the right to ask for such clemency as comes when the claims of both law and justice have been fully liquidated?

"As shepherds of a patient and suffering people we ask amnesty for them and pledge our faith and honor for their future.

"And your petitioners will ever pray."<sup>24</sup>

The President did not respond to this petition until the 4th of January, 1893, and then in a very guarded way, and not until such action had been recommended by the Utah commission in its report of September 15th, 1892, and then only to be available to those who since November, 1890, had obeyed the law respecting unlawful cohabitation. This was the closing paragraph of the amnesty—

"Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage, *who have, since November 1, 1890, abstained from such unlawful cohabitation; but upon the express condition that they shall in the future faithfully obey the laws of the United States herein before named, and not otherwise.* Those who shall fail to avail themselves of the clemency hereby offered, will be vigorously prosecuted."

(Signed) BENJAMIN HARRISON."<sup>25</sup>

24. The Petition complete is in Proceedings in the Smoot case, Vol. I, pp. 18-19. This petition was signed by the Presidency and all the Apostles of the Church. It was written at the suggestion of some Gentile friends, who had been asked to join in an appeal for amnesty several times for individuals—"why not draw up a petition for general amnesty," they asked, and so the petition for general amnesty was written, and sent to the President.

25. Proceedings in the Smoot Case, Vol. I, p. 19. "The amnesty from President Harrison appears in the papers this morning, but it is of little benefit to the people," was the comment of President Woodruff, Journal MS. entry for Jan. 5, 1893. It had been represented to the Presidency of the Church during the national presidential campaign of 1892, that President Harrison had grown more favorable towards the Saints, etc. See Woodruff's Journal entry for 13th Oct., 1892, and for July, August, September, Oct. and Nov. *passim*. The spirit and strictly guarded limits of the amnesty, did not indicate any very large degree of change in Harrison's attitude. A similar amnesty yet a little more liberal was issued by President Cleveland in his second administration, bearing date of September 25th, 1894. See Proceedings in the Smoot Case, Vol. I, pp. 19-20.



During Harrison's visit to Salt Lake City a banner stretched across the front of the *Juvenile Instructor* office, on Brigham street—the Cannon building—bore this inscription:

*"Welcome to the Grandson of Tippecanoe!  
Under Harrison, Freedom Dawned in Utah."*

The last line was meant to hint gently that statehood would come to Utah in Harrison's administration; but such was not the case, and Utah obtained statehood in the manner described in the succeeding pages of this chapter.

It was inevitable that the issuance of the Woodruff manifesto, surrendering the practice of polygamy by the Church of the Latter-day Saints, would have a direct effect upon the local political parties of the Territory. Anti-Mormons in general and the anti-Mormon federal officers of the Territory in particular were slow to accept as in good faith the action of the Church in this sudden change of front on so important a subject. To this, it may be said, there was but one exception, that of chief justice Chas. S. Zane. In the third judicial district court, on the 7th of October, 1890,—the day following the acceptance of President Woodruff's Manifesto by the Church in general conference assembled—the Judge in admitting several persons to citizenship let it be understood that he accepted in good faith the Manifesto, and that hereafter in his court he would not make "the single fact that an applicant is a member of the Mormon Church a bar to his admission to citizenship."<sup>26</sup> One may not omit calling attention

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26. The statement of the Judge as taken down at the time *verbatim*, and afterwards submitted to him for correction was published in the court proceedings as follows: "I will say that in naturalization I am now disposed to take judicial notice of the statement made by the President of the Church of Jesus Christ of Latter-day Saints in his manifesto of the 24th (25) of September last, that he would in the future obey the law of the land prohibiting polygamy, and his advice herein to the members of the Church of which he is the head likewise to observe that law; and also of the resolution of the general conference of the same denomination, in which it is declared that such advice of its President was by authority and is binding upon its believers; and that such President is the only earthly instrumentality through which that advice can authoritatively come to them. This alleged revelation I regard as an authoritative expression of the Church of Jesus Christ of Latter-day Saints against the practice of polygamy. If this action is in good faith the officers and members of the Mormon Church hereafter must regard plural or polygamous marriages as violations of the creed and doctrines of their Church; and in these naturalizations I shall hereafter act upon this conclusion unless something further occurs sufficient to change my mind. By their works hereafter I shall endeavor to understand the motive and purpose of the manifesto and resolution referred to.

"My confidence in human nature, and charity for my fellowmen, lead me to ac-



to the fact, in passing, that this is a confession by the Judge that in the past, in his court, the simple fact that an applicant for citizenship was a member of the Church of the Latter-day Saints was sufficient to bar him from admission. "The simple fact" that such a policy obtained is a disgrace to the history of the federal jurisprudence of the Territory. It will not be unfair to the "upright judge," to suppose that he felt the disgrace of that policy, established by the decision of Judge Anderson,—considered in preceding pages,—and hastened to depart from it at the first opportunity that presented itself.<sup>27</sup>

This prompt action on the part of Judge Zane was in marked contrast with that of Arthur L. Thomas, governor of the Territory, who in making his report to the secretary of the Interior in 1891 gave but a guarded acceptance of the Woodruff Mani-

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cept such a solemn declaration, and the expression of such a good purpose as being honest and sincere. Hereafter I will not make the simple fact that an applicant is a member of the Mormon Church a bar to his admission." (*Deseret News*—Weekly—of Oct. 11th, 1890, p. 528). The Judge consistently continued to maintain this attitude toward what he regarded as the changed condition. A year later he contributed an article to the November, 1891, *Forum*, in which among many other good things he said, was: "It is idle now to think of disfranchising the Latter-day Saints. They are an industrious, temperate people, as a rule; and my observation has led me to believe that they are law-abiding since the church took its stand under the law against plural marriage. I am aware that now and then individuals will report violations of that law since the manifesto; but upon investigation such charges are seldom sustained. It would be strange if there were no breaches of it; there are some such cases among non-Mormons. I do not believe that such marriages have been authorized or sanctioned by the officers of the Mormon Church since the manifesto." Judge Thomas J. Anderson, of the second judicial district, whose judicial investigation and decision inaugurated the policy of denying alien Latter-day Saints citizenship because they were members of the "Mormon Church," in November following the issuance of the Manifesto, re-affirmed his former ruling, "having no faith" in the action of the leading authorities of the Church, or of the Church itself. The Judge on the occasion of reaffirming his former decision said that "a member of the Mormon Church no matter how good his moral character was otherwise, was not fit to be a citizen." His decision refusing seven "Mormons" to citizenship was sent as a special dispatch from Beaver—Southern Utah—to the Salt Lake *Herald*, under date of Dec. 3rd, 1890. Also *Deseret News*—Weekly—of Dec. 13.

27. This is the more evident for the reason that the issuance of the Woodruff manifesto did not in a vital way reach the graveman of the infamous Anderson decision on which the policy of the courts was based, viz., that the said Church "is both a temporal and spiritual Kingdom, and should rightfully control, and is entitled to the highest allegiance of men in all their affairs. . . . That this Kingdom will overthrow the United States, and all other governments. . . . That the teachings, practices and aims of the Mormon Church are antagonistic to the government of the United States; . . . and that its members are animated by a feeling of hostility towards the government and its laws, and therefore an alien who is a member of said Church is not a fit person to be made a citizen of the United States." (See decision complete, testimony, and argument of counsel in *Deseret News*—Weekly—of Nov. 30 and Dec. 7th, 1889).





festó, though he stated in referring to the indorsement of the document by the Church in the general conference, that he "accepted their action as a sincere expression of their views;" and added that "their action should be regarded as sincere until there is good reason for thinking otherwise."<sup>28</sup>

Especially was the action of Judge Zane in marked contrast with that of the Utah commission. The commission's report for 1890 bears date of 22nd of August,<sup>29</sup> so that like the annual report of governor Thomas for that year, it was issued before the Woodruff Manifesto. But in the report of 1891, they very unworthily discounted and discredited both the action of President Woodruff and of the Church. The commission appears to have been angered by President Woodruff's denial that "forty" or "any other number of plural marriages" had been solemn-

28. In his annual report for 1890 the governor had said that "political and official Mormonism deals in evasions and meaningless words of double meaning, hypocritical pretenses and false assertions; that its attitude toward polygamy was delusive in the last degree." "It knows that there has been no change on the subject," said he, "but it seeks to convey the impression that there has been." This 1890 report of Governor Thomas bears date of September 9th; it was therefore made before the issuance of the Woodruff Manifesto, dated the 25th of September of the same year. A synopsis of the governor's report containing the above statements was given out from Washington, D. C., as a press dispatch on the 3rd of October, three days before the Manifesto was submitted to and approved by the general conference of the Church. In the report the governor said: "Under its system of government the Church has but one way of defining its position and that is by a public declaration either from the head of the Church addressed to the people, or by the action of the people in conference assembled. No such declaration has been made, nor action taken, and probably never will be. There is no reason to believe that any earthly power can extort from the Church any such declaration. "It may be truthfully said that the Church has determined that, if polygamy is to be uprooted, the government must perform that task, as it will never do on its own part any action that will indicate an abandonment of polygamy." (Salt Lake *Tribune* of Oct. 5th, 1890). The action of President Woodruff in issuing the Manifesto less than twenty days after Governor Thomas had sent his annual report to Washington, containing the above passages and the action of the general conference in adopting that Manifesto as its own, the day following the publication of the complete report of the governor in the Salt Lake *Tribune*—shows how far Mr. Thomas was from a right judgment as to what the Church leaders and Church following would do in the matter under consideration.

29. The 1890 report of the Utah commission dealt chiefly with the municipal election at Salt Lake City, in February of that year and the Liberal Party victory. It took occasion, however, to recommend the passage by congress of the Idaho test oath law for Utah—by then affirmed by the supreme court of the United States to be constitutional—which could well have been entitled "An act for the disfranchisement of all Members of the Church of the Latter-day Saints." It stated that "in all the teachings of the Tabernacle and the Church organs every effort of the government to suppress this crime (polygamy) is still denominated as a persecution, and those charged with ferreting out and prosecuting the guilty are denominated persecutors of the Saints. The Church seems to grow more and more united from day to day under these teachings." Report p. 20. The report was published in pamphlet form—34 pages.



ized in the temples, or in any other place in the Territory during the period mentioned by the commissioners—*viz*, from the June revision of the registration lists to August of 1890—within which time, it was reported by the registration officers to the commission, and by the commission given out to the world, that such number of plural marriages had taken place. "The document itself attributes the occasion of 'the spirit' coming upon him [Woodruff] 'to press dispatches having been sent for political purposes from Salt Lake City in regard to the statement of the Utah commission in its last report.' . . . A great part of the Manifesto is devoted to a vigorous assertion that the report of the commission is false." They quote what they regard as "the most important part of the Manifesto," as follows:

"And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land."

"How much weight," the commission proceeds to argue, "should be given to the declaration of a man who dares to assert that the spirit of God came upon him to charge that the Utah commission was the retailers and peddlers of falsehoods, and by reason of that fact he was to declare to the world that the Church he commands will now change front completely, and abandon the ordinance of God which has heretofore been so delightful a work for them, can be judged to a degree from the declaration itself."<sup>30</sup>

Fortunately it can, and one would think to the confusion of this commission; for it does not purport to change the policy of the Church in an important matter because the Utah commission has sent out false reports respecting plural marriages in Utah within a given time period, as stated in their report; but for the very much more serious and dignified reason which the manifesto specifically assigns for said action, *viz*:

"Inasmuch as laws have been enacted by Congress forbidding

30. There is much more to the same effect from this supposedly dignified body of U. S. officials; and they think it important in a state paper to repeat from a remote source some dreams President Woodruff had related, as throwing "Further light" upon "his character and the weight to be given his utterances."



plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.

. . . I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land.

(Signed) WILFORD WOODRUFF.

*President of the Church of Jesus Christ of Latter-day Saints.*"<sup>31</sup>

After a most confusing tabulation of sexual crimes in the Territory since their report of the previous year, in which all the said crimes in the Territory, Gentile as well as Mormon, are recorded—and in such form as to leave the impression that they are all Mormon crimes—the commission in the concluding paragraphs of its report expresses satisfaction at the progress which President Woodruff's Manifesto marked, "on the road to a better civilization; . . . but [they] cannot recommend the withdrawal at this time of any portion of the safe guards thrown around this people by the law-making power of the government." The commission was also most "emphatic in expressing its opinion that it would not at this time be safe to entrust to this people [i. e. the people of Utah—the majority of whom were Latter-day Saints] the responsibilities and duties of statehood as they so much desire."

The Commission (in some ill temper, however), reported that "notwithstanding the 'Manifesto'" reports had been received by them expressing the belief that "eighteen male persons" with an equal number of females . . . had entered into polygamous marriages during the year." The year before they had reported forty such marriages, it will be remembered. The accusation brought forth a most vigorous official denial by the Church leaders at the October conference following—1891. A special committee was appointed to bring in a protest and resolutions upon the subject, both as to the Commission's charges about polygamous marriages and also respecting the domination of the Church members by Church authorities. The Committee composed of influential members of the Church and also recog-

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31. See Woodruff Manifesto previously quoted in this chapter.





nized as being among the first citizens of the Territory,<sup>32</sup> reported on both matters as follows:

"Be it resolved, By the Church of Jesus Christ of Latter-day Saints in General Conference assembled, that we deny most emphatically the assertion of the Commission that the Church dominates its members in political matters and that Church and State are united. Whatever appearance there may have been in past times of a union of Church and State, because men holding ecclesiastical authority were elected to civil office by popular vote, there is now no foundation or excuse for the statement that Church and State are united in Utah or that the leaders of the Church dictate the members in political matters; that no coercion or any influence whatever of an ecclesiastical nature has been exercised over us by our Church leaders in reference to which political party we shall join, and that we have been and are perfectly free to unite with any or no political party as we may individually elect;

"Also, be it resolved, that we do not believe there have been any polygamous marriages solemnized among the Latter-day Saints during the period named by the Utah Commission; and we denounce the statements, which convey the idea that such marriages have been contracted, as false and misleading, and that we protest against the perversions of fact and principle and intent, contained in the report of the Commission, and declare that the manifesto of President Woodruff forbidding future plural marriages was adopted at the last October Conference in all sincerity and good faith, and that we have every reason to believe that it has been carried out in letter and in spirit; and all statements to the contrary are entirely destitute of truth.

"And be it further resolved, That we appeal to the press and people of this country to accept our united declaration and protest, to give it publicity, and to aid in disseminating the truth that falsehood may be refuted and justice be done to a people continually maligned and almost universally misunderstood."<sup>33</sup>

In addition to this the First Presidency issued the following:

32. They were all of Salt Lake City. John Clark, afterwards Mayor of Salt Lake City, W. H. Rowe, Charles W. Penrose, John T. Caine, Franklin S. Richards.

33. See Minutes of the General Conference of the Church. *Mill. Star*, Vol. LIII, Nos. 50 and 51, pp. 785-9; and 801-7. Where the discussion of the matter as well as the committee's report is given in full.



OFFICIAL DECLARATION *ms. Acad. Soc.*

“Concerning the official report of the Utah Commission made to the Secretary of the Interior, in which they allege ‘During the past year, notwithstanding the Manifesto, reports have been received by the Commission of eighteen male persons who with an equal number of females, are believed to have entered into polygamous marriages, during the year,’ we have to say, it is utterly without foundation in truth. We repeat in the most solemn manner the declaration made by President Wilford Woodruff at our general conference held last October, that there have been no plural marriages solemnized during the period named.

Polygamy or plural marriage has not been taught, neither has there been given permission to any person to enter into its practice, but on the contrary, it has been strictly forbidden.

[Signed] WILFORD WOODRUFF,  
GEORGE Q. CANNON,  
JOSEPH F. SMITH,

*First Presidency of the Church of Jesus Christ of Latter-day Saints.*”<sup>34</sup>

The resolutions and the official declaration of the Presidency were sustained by unanimous vote of the conference.

The report of the Commission for 1891 here being considered was not a unanimous report, General John A. McClernand, with the consent of his colleagues of the Commission made a separate report differing radically in spirit and statement of conditions as also in recommendations. In this matter of polygamous marriages, for instance, he substituted “official evidence” for the “extra-official *accusations*” of the registrars, such official “evidence coming through the district courts of which there were four in number.” The time period was from the first of September, 1890, to 1st September, 1891. According to this evidence there were but four convictions for polygamy, one from each judicial district, one of which—the case in the third judicial district, Judge Zane presiding—was not a Mormon case. “True,” said Commissioner McClernand, and it makes fine satirical comment on the majority report of the commission—

“True I have not here adverted to the fact that the number

34. *Ibid*, p. 505.



of indictments found exceed the number of convictions had, for neither do indictments nor the extra official accusations of registrars or the proceedings of examining magistrates import guilt or a presumption of it. A different rule, holding an accusation equivalent to conviction, would be subversive to personal security and civil liberty. It would license malice to do its worst. In fact, a number of the indictments here referred to were actually dismissed, while upon others, the persons accused were, on trial, acquitted."

Thus throughout, in spirit, and matter, and recommendations, he widely differs from the majority report.<sup>35</sup>

The Salt Lake *Tribune*, the organ of the anti-Mormon Ringites declined to put any confidence in the Manifesto, and for some years insisted upon keeping conditions in the Territory in *statu quo*, as well in relation to political relations within the Territory, as between the Territory and the federal government until time should demonstrate the genuineness of the Latter-day Saint Church action.<sup>36</sup> But neither the people nor the conditions would remain in *statu quo*. An evolution had begun in the issuance of President Woodruff's manifesto. Impatience at its slow development was at times manifested. It involved the disintegration of the old local political parties. The earliest move leading up to that event appears to have been the organization of a Democratic Club in the office of Marshal Frank H. Dyer in April or early in May, 1890, and all interested in the Democratic cause ("Mormons included!") were invited to become members.<sup>37</sup> On May 10th the club held an out-door meeting, "T. B. O'Brien spoke on the principles of Democracy and gave the Liberal Party a vigorous toasting" says the chronicle of the meeting.<sup>38</sup> The meeting adopted a memorial to congress, protesting against the passage of legislation then pending in that body (the Struble bill), "to deprive a large number of American Citizens of the

35. The report in full, both majority and minority divisions will be found in *Deseret News*—Weekly—of Oct. 17, 1891, pp. 537-545.

36. This was the *Tribune's* attitude from the first; see especially its editorial of Oct. 3rd, 1890; and through several years following, *passim*.

37. "Utah as it is"—1904—pp. 141-2. Mr. S. A. Kenner, author of the work here quoted, puts the time of these meetings and the organization of the "Central Democratic Club," in June; but as early as May 10th, the club was active as described in the text.

38. *Deseret News* account of the meeting—Weekly—for May 17th, 1890, p. 690.





elective franchise solely on account of their membership in an unpopular religious organization." The memorial declared "the motive of the effort" to be "purely political;" and "with the view of transferring to the minority of the votes in the Territory the local control which of right should be vested in the majority." "We who are Gentile citizens of this Territory," continued the Memorial, "denounce this attempted legislation as unrepugnant, undemocratic, and unnecessary." The memorial declared "practical polygamy" to be fast disappearing in Utah, they favored constitutional legislation for its entire extinction. "We will also support any lawful plan to keep separate and distinct, the affairs of any and every church from the affairs of state and from politics. But we are opposed to persecution on account of creed or worship, and to any interference with civil or religious liberty."<sup>39</sup>

The meeting also passed resolutions denouncing the proprietors and editors of the *S. L. Tribune*, who controlled the associate press despatches from Salt Lake City, and judging that because of prejudice they would color to the disadvantage of Democrats the reports of developments in Utah, the meeting petitioned Senator Calvin S. Brice, chairman of the National Democratic Committee, to use his influence to have a fair minded man appointed as associate press agent in Salt Lake City.<sup>40</sup> Nothing immediately practical came of these several resolutions, but the organization of Democratic clubs and the activities indicate the important changes taking place in Utah political affairs, and led finally to the organization of the Democratic Party in the Territory.

About a year later the Republicans hitherto connected with the local parties took steps to organize the Republican party in Utah. A great mass meeting was held at the Salt Lake Theatre on the 20th of May, 1891, at which it was resolved that "political parties in Utah should be organized with reference to national questions and politics, and to act in harmony with national parties." The resolutions met with strong opposition, but were

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39. *Deseret News*—Weekly—of May 17th, 1890.

40. *Ibid.*



finally sustained, it was estimated by "a vote of two to one."<sup>41</sup> A committee of eight was appointed to draft an address to "*The People of Utah*,"<sup>42</sup> which a few days later was published. The opening paragraph foreshadows the spirit of the whole document:

"The sentiment in favor of organizing political parties in Utah in harmony with national parties, has attained such force and expression that it cannot be delayed or resisted. The Liberal and the people's parties were the outgrowth of the conditions existing when they were formed, but the changed condition of political affairs in Utah leaves no rational ground for their maintenance, and we cannot too soon drop these old organizations with their dead issues, their narrow fields of discussion, and their memories of social and political bitterness."

In closing the document gave a general invitation to the people to join the Republican party, and called for the appointment of precinct meetings and county conventions to choose representatives to a Territorial convention where the party's organization might be effected and its platform adopted. On the 25th of May the Central Republican Club of Utah was organized "as an educating, social, medium."<sup>43</sup> There was considerable opposition to the organization of the national parties in Utah by the Democrats and Republicans, respectively, in the Liberal Party, as they were not convinced that the time had come for a division on national party lines. The Democrats under the leadership of Judge O. W. Powers, Judge R. N. Baskin, *et al*, held a public meeting, on the 25th of May at which it has claimed a thousand people were present, and after many speeches and much excitement and ill feeling were manifested, a resolution was adopted announcing to the people of the Territory that "the Democrats of Salt Lake City are true to the Liberal party and ask all loyal citizens to stand with them shoulder to shoulder for American principles."<sup>44</sup>

41. Salt Lake *Herald* of May 21st, 1891, where a very full account of the meeting—speeches, resolution, complete, and final action will be found.

42. The Committee was Judge C. W. Bennett (Gentile), James Sharp (Mormon), H. M. Wells (Mormon), Wm. Balderston (Gentile), H. G. McMillan (Gentile), John Henry Smith (Mormon).

43. *Deseret News*—Weekly—of June 6th, 1891, pp. 773-4.

44. See Salt Lake *Herald* of May 26th for full account of this meeting.



There had been in the Territory for some years a "Republican Committee," composed chiefly of Republican office-holders in Utah, which after the fashion of the "three tailors of Tuele street," affected to be the Republican Party of Utah. They had kept in touch with the national party through the party conventions and the congressional and national committees. This became the Republican party which for so many years had controlled the federal patronage in the Territory. A majority of this Republican Territorial Committee—the whole number was fifteen—was highly incensed that any movement should be made for the organization of the party at large in the Territory without taking counsel and direction from them; and accordingly nine of the fifteen met in the office of the Utah Commission and formulated a protest against the proposed division. "We hold," they said—

"We hold that the division by loyal men on party lines in Utah at this time would be an irrevocable, fatal mistake, as it would place the absolute rule of the Territory in the hands of the First Presidency of the Mormon Church; as it would speedily result in giving statehood to this Territory and that statehood would be under control of the Mormon theocracy.

"*Resolved*, That Utah is not yet prepared to accept the trust of statehood, because a majority of her people still maintain a higher allegiance to the theocracy under which they have all their lives served than to the government of the United States."<sup>45</sup>

On the 29th of May, Mr. Franklin S. Richards the Chairman of the Central Committee, at a meeting of the precinct committees and club officers of the People's Party for Salt Lake county, submitted to them for consideration a series of statements and a resolution that had been formulated by the central committee, proposing the dissolution of the People's Party, and proclaiming its members free to ally themselves "with the respective national parties, according to their individual preferences." After much discussion the proposal to dissolve the party in the county was carried without a dissenting vote.<sup>46</sup>

45. *Deseret News*—Weekly—of June 20th, 1891, p. 830. Mr. Arthur Brown, a member of the committee, sought to have the other eight gentlemen change their views and issue a different statement—but in vain. He issued a minority statement and protest against the action of the committee. (*Ib.*)

46. *Deseret News*—Weekly—of June 6th, 1891, p. 763.





Ten days later a similar action was taken by the Territorial Central committee for the entire party. The meeting was held on the 10th of June. A committee was appointed to draft resolutions. They reported that a radical change had taken place in the Territory; that progressive people had determined to bury old strifes, dissolve merely local combinations and make national questions paramount; that both Democrats and Republicans who had formerly united with the Liberal Party had severed that connection and organized under the respective national parties; that each of these organizations had repudiated the Liberal Party policy designed to destroy the political liberties of the majority of Utah's people, and had declared against disfranchisement except for crime determined by due process of law; that it was desirable that the dissensions and struggles which had hitherto hindered the progress of the Territory should be left behind in the march of the people to ward their high destiny; therefore the committee recommended that the People's Party dissolve and "leave its members free to unite with the great national parties." The committee's report was unanimously adopted.<sup>47</sup>

The Liberal Party, as before stated, refused at this time to disband. On the 29th of May it held a great rally in Salt Lake City at which there were between four and five thousand people present. The meeting was preceded by a street parade headed by the celebrated Liberal drum corps, dressed in Zouave uniforms. The speeches by the old leaders, Powers, Baskin, Dickson, Goodwin, Varian, Hoge, Stanton, Allen, *et al*, manifested strong feeling and in some cases bitterness.<sup>48</sup> The one refrain

47. The Committee was Charles W. Penrose, of Salt Lake county; W. H. Brown, of Utah county; David H. Cannon, of Washington county; Fred Turner, of Cache county, and H. S. Gowans, of Tooele county. For proceedings in full, see *Deseret News*—Weekly—of June 20, 1891, p. 835.

48. "Do I discredit the honesty of the entire Mormon people?" Asked one speaker, "Yes, I do, and why should I not? (*a voice*—"there are many reasons why you should not"). "I am acquainted with their history," continued the speaker—"and they with yours," chimed again the voice.

"I was at Denver," said Judge Goodwin, "the other day, at the Trans-Mississippi Conference. Several 'Mormons' were there also, and you couldn't tell a 'Mormon' from a Gentile except by the size of his neck. . . . One of these 'Mormon lambs' introduced a resolution in favor of admitting Utah as a state. This brought out all my old virus, and, thank God, I downed him.

Closing his remarks Judge Goodwin said: "Liberals—do not listen to the siren's song and be led away, but for your own sake be faithful to the old trust."

Mr. C. E. Allen said: "Now you young men of Utah who have worked with the People's party heretofore, we don't want you; that is, we don't want you in



running through all speeches was the assertion of the unpreparedness of Utah for statehood—for all were agreed that the new movement meant statehood,—and the likelihood was that all the work of the Liberal Party in the past would go for naught.

“To the patriots of Utah [i. e. members of the Liberal Party] the future never looked brighter,” said Mr. Baskin, “but to the theocracy that we have been fighting so long all is gloom and uncertainty. . . . There is, however, one way in which this dangerous institution can maintain its existence, and that plan lies along the pathway of the new departure; which, if followed, will lead to statehood for Utah. After that the priesthood will fill every office within the gift of the people and the old order of things will be restored. And yet, in the face of such probabilities we are called upon by certain of our comrades to ground our arms. Such a proceeding would be the death knell of all that is dear to the ‘Liberal’ party, and we would be at the mercy of that relentless foe, the Priesthood. Under the present state of affairs we have the great nation behind us. We have fought hard for the remedies which have caused the People’s Party to disband. If they are taken from us, I reassert that Utah will become a state and then a revolution will be brought about that we will have to settle at the point of the bayonet.”<sup>49</sup>

The Liberal meeting passed no resolution, and gave no formal expression to the prevailing sentiment, but the Liberal Party continued for some time, two years, as an organization.

The one thing which above all others seemed to hold in check the development of the Territory into normal political conditions was the fear that the leading authorities of the Church of the Latter-day Saints, especially the First Presidency, would be able to, and would dominate absolutely the political action of its members, and thus control to its own liking and purpose the state, when statehood should come, and the large measure of control exercised by the federal government while Utah remained a Territory, should be withdrawn. To ascertain defi-

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the front ranks; if you join us you must remain in the rear and work that way; but don’t come to the front and ask to join in the honor with us, because you are not entitled to it.” (See *S. L. Herald* and *Deseret News* account of Liberal meeting, impressions of May 30th, 1891).

49. The account of this meeting is given at length in the *S. L. Tribune* of the 30th of May. *S. L. Herald* of same date; and a fair synopsis of the speeches will be found in the *Deseret News*, of same date.



nately what the attitude of the Latter-day Saint Church authorities would be with reference to this matter, a list of very carefully prepared questions was made by the editors and management of the Salt Lake *Times* and submitted to the First Presidency. These questions were taken under advisement, carefully considered and written answers made thereto, for which reason the "*Times Interview*" has become a somewhat noted and official document in political controversies in Utah.<sup>50</sup> Following is a digest of the "Interview," the propositions being so stated as to include both question and the answer thereto:

"1. The Church will not assert any right to control the political actions of its members. As officers of the Church they disclaim such right.

2. There will be no reason for the members of the Church to come together and vote solidly if political conditions in Utah are similar to those which prevail elsewhere [i. e, as in other states].

3. However much appearances may have indicated that the Mormon people have favored a union of church and state (reference is made to conditions that existed in early days in Utah), there is no real disposition to unite church and state; in fact, there should be a separation between the two.

4. It is the wish of the Mormon People to unite with the great national parties and conduct politics in Utah as they are conducted in all other states; there is no reason why the members

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50. It appeared in the Salt Lake *Times* of June 23rd, 1891. (It will also be found in *Deseret News*—Weekly—of July 4th, 1891, pp. 33-35.) Excerpts from the introduction to the "Interview" in the *Times* will disclose the reason for seeking it: "The only reason put forward in opposition to the organization of parties on national lines in Utah is that the People's party is not sincere in the dissolution that has been effected and that a plot has been laid by which the Liberals are to be divided and the political control of Utah placed in the hands of the Mormon people for purposes adverse to the interests of the Gentile element. . . . In brief, it has been claimed that it is the purpose of the Church to secure statehood for Utah, and through the alleged political control of its members, seize all the offices and carry on the government in the interest of Mormons and against the interests of non-Mormons. It is held that the Church claims the right to exercise absolute authority over its members in all matters and that this extends to direct dictation as to whom they should vote for at all times. We are told that those who have joined the Democratic and Republican parties have done so at the direction of the heads of the Church, that the People's party was dissolved at their dictation, and that its members will be subject at all times in the future to their absolute control. We are told further that polygamy has simply been suspended, to be re-established in the future under the protection of State laws enacted by Mormon legislatures; and that these legislatures, elected by the decree of the Church will pass other laws intended to oppress Gentiles and work virtual confiscation of their property."





of the church should not act freely with the national parties at all times.

5. It is conceded that there is nothing to be gained for the church by securing for it political control in Utah with or without statehood; the members and leaders of the church desire to place it in a position in the community like that occupied by other churches; the only protection the Mormon church desires is that which it would obtain under general laws which secure the rights of all denominations. It would be unwise for the Mormon people to endeavor to receive any advantages not shared in by all other religious people. All that is asked for the church is that it shall have equal rights before the law."<sup>51</sup>

Notwithstanding in the *Times* interview it is stated that the dissolution of the People's party was not brought about by the "fiat or instruction of the Church," it should be remembered that such were the relations of the People's Party to the Church, being its shield against unjust political assaults made upon it, and the instrument through which the Church members politically functioned—that it was to be expected that when so weighty a matter as disorganizing that party was under consideration the leading

51. S. L. *Times* June 23rd, 1891. The position here taken by the church authorities was again authoritatively set forth in the October conference following (see note 22, this chapter). It may also be said to have been the attitude of the church from the beginning, and any departure from a strict observance of the principles underlying this attitude in the Utah period of its history was due to the development of an attack upon the Church of which these pages bear abundant evidence. But the conception of the church respecting its relationship to civil government is thus authoritatively summarized and set forth by the church authorities, and sanctioned by action of a general church conference as follows:

"We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law." (Articles of Faith, by Joseph Smith).

"Such is our acknowledgment of duty to civil governments. Again: 'We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice should be sought for and upheld by the voice of the people (if a republic), or the will of the sovereign. We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered and another proscribed in its spiritual privileges, and the individual rights of its members, as citizens, denied.' (Doc. & Cov., sec. 134).

With reference to the laws of the Church, it is expressly said:

"Be subject to the powers that be, until He reigns whose right it is to reign [the Christ] and subdues all enemies under his feet.

"Behold, the laws which ye have received from my hand are the laws of the Church, and in this light ye shall hold them forth." (Doc. & Cov., Sec. 58).

"That is to say, no law or rule enacted, or revelation received by the Church, has been promulgated for the state. Such laws and revelations as have been given are solely for the government of the Church." (Address of the Church of Jesus Christ of Latter-day Saints to the World, submitted by the First Presidency to the general annual conference of said Church, April 5th, 1907, published in *Defense of the Faith and the Saints*, Vol. II, pp. 237-254.).



authorities of the Church would have a deep concern—and rightly—in such an important step. And hence in the annals of Utah there is reference to a certain meeting held at the Gardo house previous to the action by the chairman of the People's party taking steps to dissolve that party. It was said that many of the leading authorities were present and the idea of dissolving the party was favorably considered. It is doubtless to this circumstance that reference is made in the "*Times Interview*" where it says: "They [i. e. leaders of the People's Party] have stated to us their convictions that the time had come for a division on national party lines. There has been a growing feeling in this direction for a long time." But though the matter of dissolution may have been considered at the Gardo House meeting, and assent to such action may have been given, it does not follow that the "order" for its dissolution was then promulgated; or that the dissolution of the party took any other course than that described in these pages and in the *Times Interview*.<sup>52</sup>

The result of all this agitation was that in the Territorial election of August following, three tickets were before the people. The Liberal Party elected four members of the legislative council, the Democrats eight; the Liberals elected eight members of the house of representatives, the Democrats sixteen.<sup>53</sup> Taking

52. The Gardo House meeting was referred to in Remarks by Elder Joseph F. Smith, at Logan in May, 1896, and reported in *S. L. Tribune* of May 10th, of that year. (See Report in the Smoot Investigation before senate committee on Privilege and Elections, 1904—Vol. I, pp. 807-9).

The "Interview" account of the dissolution of the People's Party is as follows: *Ques.* "It is asserted that the People's Party was dissolved by direction of the Church. Is there any foundation for that charge?"

*Ans.* "The People's Party was dissolved, as we understand, by the action of its leading members. They have stated to us their convictions that the time had come for a division on national party lines. There has been a growing feeling in this direction for a long time, and the dissolution of the People's Party is the result of that sentiment, and not the fiat or instruction of the Church. The first intimation we had of dividing on party lines came to us from Ogden. There is, therefore, no foundation for the charge that the Church brought about the dissolution of the People's Party."

53. The previous legislature had been:

In the council—Liberals—Anti-Mormon .....	2
People's party—Mormon .....	10
Total .....	12

In the house, Liberal .....	5
People's party .....	19

Total .....	24
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(Utah Commission Report for Sept., 1891).



the vote for the members of the house of representatives, the Democrats cast 14,369; the Republicans, 6,397; the Liberals 7,411, scattering, 63. "Premising these figures," said General McClernand, a member of the Utah commission, commenting on the result of this election in his minority report to the Secretary of the Interior:

"Premising these figures, and assuming that the body of the Liberals had consistently, as professed Republicans, united with the distinctive Republicans, and that a number of Republican Mormons had done the same who did not, least by so doing they should indirectly promote Liberal success, and, consequently, their own disfranchisement; premising these conditions as real, or hypothetically reasonable, would not the election as between the Republicans and Democrats have been at least doubtful? Well-informed Republicans and Democrats in the Territory have said so."<sup>54</sup>

From which circumstance, the near equality of numbers as between Democrats and Republicans, McClernand held, would safeguard the future state from Church dictation.<sup>55</sup>

By the time the next election was held—the election for delegate to congress—the accessions to the Democratic and Republican ranks had been increased, but there were still enough Liberals remaining organized to put a ticket in the field. Mr. John T. Caine, who for five successive terms had been the nominee of the People's Party,<sup>55½</sup> though a staunch Democrat, was persuaded not to seek the candidacy as it would doubtless be more in harmony with developing events to have a new candidate. Accordingly Joseph L. Rawlins, a native of Utah, and of Mormon parentage, but as to religion an agnostic, was the nominee of the Democratic Party. Frank J. Cannon, son of Geo. Q. Cannon,

54. Utah Commission Report—Minority—Sept., 1891.

55. See Context in the Commission's Report. It is seen from the above that McClernand assumed that the seven thousand Liberals who constituted the remnant of the Liberal party in the election of 1891 were mostly Republicans; subsequent events demonstrated the correctness of the assumption.

55½. The opponents of Mr. Caine in the several elections for which he stood and the results in each are here stated:

1882 Caine—Vanzile .....	23,039—4,884
1884 Caine—Ransford Smith .....	21,130—2,215
1886 Caine—Col. Wm. M. Ferry .....	19,605—2,810
1888 Caine—R. N. Baskin—Thurman .....	10,127—3,484—511
1890 Caine—C. C. Goodwin, scattering .....	16,353—6,912—28





was nominated by the Republicans, and Mr. C. E. Allen by the Liberals. Mr. Rawlins was elected by a plurality of 2,811.<sup>56</sup>

There was a charge made that "Mormon Church influence" was exerted in this campaign, owing to the issuance of a pamphlet in the interests of Mr. Cannon, by which it was held that Joseph Smith the Prophet, and his brother Hyrum, were "old line whigs"—predecessors of Republicans in political principles—while other Church leaders were Republicans and of course protectionists. The pamphlet was illustrated with portraits of these Church leaders, and with that of Frank J. Cannon. Further evidence of "church influence" was alleged by the issuance and circulation of a certificate bearing witness to the good standing in the Church of Mr. Cannon—of which there was much question at the time—by men in high standing in the Church, which, taken with the well known agnosticism of Mr. Rawlins, was likely to greatly influence the election in Mr. Cannon's favor.<sup>57</sup>

It was also charged that the name of the Presidency of the Church was being used to influence people who were Democrats to become Republicans. This in the Territorial legislative election of 1891, and especially in connection with a municipal election at Logan where it was held that a letter written by Mr. Geo. F. Gibbs, secretary to the First Presidency, had been effective in turning many Democrats from their party to the Republican fold. The incident is chiefly valuable in that when protest was

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56. Returns show that Rawlins received 15,201; Cannon 12,390; Allen 6,986. *Deseret News*—Weekly—of Dec. 3rd, 1892, p. 751.

57. The above referred to pamphlet was named "Nuggets of Truth"; for a fuller description and the manner of issuing it, see "Hearings in the Smoot case before the Senate Committee on Privileges and Elections;"—1904—Vol. I, p. 828, and for the matter of certificate of Mr. Cannon's standing, *Ibid*, p. 826. Mr. Cannon alludes to both these matters in his "Under the Prophet in Utah," p. 124, and charges the Republican Territorial Committee with issuing the "Nuggets" and the "certificate of standing" during his absence from the Party's headquarters, and that he repudiated the action on his return to headquarters, and threatened to resign as a candidate. Mr. Cannon represents that the pamphlet was withdrawn but not until the mischief was done: he represents himself as deservedly defeated in the campaign of 1892, because of the use of such methods. He was made "the innocent victim of the atrocity"! Of all this, however, nothing was heard in Utah until the publication of the ex-senators anti-Mormon book referred to above, and published in 1911—nineteen years after the election. The Democrat party of Utah issued a pamphlet in answer to the "Nuggets of Truth," under the same title but with a subtitle—"Hear ye the whole Truth as to Joseph Smith's Political Views," and then followed a compilation from the Church records of many passages setting forth the alleged views of the Prophet favorable to Democratic principles, and policies of government.



made against such proceedings it brought forth a written statement from two of the First Presidency,—President Wilford Woodruff and Joseph F. Smith—which clearly presents the attitude of the Church Presidency—and of course of the Church—in the matter of their relationship to politics: In the statement they said:

“We emphatically deny that we, or either of us, authorized Mr. George F. Gibbs or any other person or persons to use our names so as to influence citizens to vote the Republican ticket, at Logan or elsewhere. If our names have been used in any such way, it has been entirely without permission from us, and we hereby condemn it as wrong and reprehensive. If we have any desire in this matter it is that the people of this Territory shall study well the principles of both the great national parties, and then choose which they will join, freely, voluntarily and honestly, from personal conviction, and then stand by it in all honor and sincerity. Each party should have the same rights, privileges and opportunities as the other. If any man claims that it is the wish of the First Presidency that a Democrat shall vote the Republican ticket, or a Republican the Democratic ticket, let all people know that he is endeavoring to deceive the public and has no authority of that kind from us. We have no disposition to direct in these matters, but proclaim that, as far as we are concerned, the members of this Church are entirely and perfectly free in all political affairs. But they should not indulge in ill-feeling or personalities. President George Q. Cannon is absent, but we are sure that if he were here he would sign this declaration with us.

[Signed] WILFORD WOODRUFF,  
JOSEPH SMITH,

*Of the Presidency of the Church of Jesus Christ of Latter-day Saints.”*<sup>58</sup>

The campaign was enlivened by a conjoint debate between the candidates for the delegateship, one session of which was held at Ogden, the other at Salt Lake City.<sup>59</sup> There was also a sharp passage at arms between the Democratic nominee and President

<sup>58</sup>. *Deseret News*—Weekly—of March 25th, 1892, p. 440. In the Salt Lake Herald of Nov. 5th, 1895, will be found the Geo. F. Gibbs letter complete together with the history of the whole affair from 1891, to 1895, for this controversy arose again in the election of the latter year.

<sup>59</sup>. Full synopsis of the debate appears in the local papers—*Herald* and *Tribune* of —



Geo. Q. Cannon relative to the latter bartering the Mormon vote for personal advantage in the matter of being relieved by the late Republican administration from the payment of the forfeited bonds in the unlawful cohabitation cases against him—already considered—in which the amount involved—with interest accrued—was \$33,000. Mr. Cannon indignantly denied in a personal card the imputation that there had been any agreement respecting Utah votes for the Republican party.<sup>60</sup>

During Mr. Rawlin's term as delegate, as already noted in previous pages, he introduced a resolution in the house restoring the personal property of the Church of the Latter-day Saints that had been escheated by the government, amounting to nearly half a million dollars. It was passed by both the house and the senate and was finally approved by President Cleveland on 25th of October, 1893. On September 6th, Mr. Rawlins introduced an enabling act, authorizing the Territory of Utah to frame a state constitution and take the necessary steps to be admitted into the Union on an equal footing with the original states.<sup>61</sup> The bill did not pass the house until the 13th of December of that year;<sup>62</sup> and did not get through the senate until the

60. Mr. Cannon's card is published in *Deseret News*—Weekly—of Nov. 12, 1892, pp. 651-2.

61. There is much confusion in our Utah periodicals and other publications in the dates given for the introduction of these measures, the enabling act and the resolution for the restoration of the escheated personal property of the Church. The former was introduced on the date given in the text, the sixth of September, 1893, and is recorded in the Congressional Record of Sept. 7th, p. 1220. The latter was introduced on the 9th of September, and the account of it is in the Congressional Record of Sept. 10th, p. 1281.

62. On learning of the passage of the bill in the house, the following telegram was signed and sent to Mr. Rawlins:

Salt Lake City,  
Dec. 13th, 1893.

On behalf of ourselves and the people of Utah, we heartily congratulate you on the successful passage of your bill by the house providing statehood for our Territory. May complete triumph crown your labors, which we all highly appreciate.

(Signed) Wilford Woodruff,  
Jos. F. Smith.

Geo. Q. Cannon was absent from the City—in Washington in fact—hence his name does not appear on the message. See Woodruff's Journal, *Ms.*, entry of Dec. 13th, 1893; c. f. *S. L. Herald* of Oct. 28th, 1894.

And this was sent to Mr. Rawlins from the chairman of the Republican Territorial Committee:

Dec. 14, 1894—S. L. City, Utah.

"Accept heartiest congratulations for the Republican Party of Utah, for the re-





10th of July of the following year. On the 16th of July, 1894, the bill was approved by the President and the way was thus cleared for Utah's statehood.

In 1892 an effort had been made to secure what was called "Home Rule" for Utah, a Utah Democratic measure, designed, while falling short of statehood, to secure a very much larger participation by the people in the Territorial government. It provided that all Territorial officers from governor to precinct justices of the peace and constables should be elected by the people, as well the judiciary as the executive and legislative branches; said officers to be, of course, citizens of the United States, *and citizens and residents of the Territory of Utah*. It was designed to abolish the Utah commission, as well as Washington-appointed governors and judges; it was practically a statehood measure, except for the control of the Territory which under it would still inhere in the federal government.<sup>63</sup> It was simply put forth as a measure of relief from intolerable injustice under the then existing Territorial government, pending the time when Utah might be admitted as a state. All its advocates affirmed the readiness of the Territory for admission into the Union, but feared it would be some time before public sentiment would justify congress in admitting Utah as a state, hence home rule *ad interim*. The Utah legislature memorialized congress early in 1892 to pass the bill, and in February elaborate hearings were had before the committees on Territories of the senate and house respectively, both prominent Mormons and Gentiles

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sults in the house yesterday of your magnificent fight for Statehood. *The Republican Territorial Committee*.

(Signed) Chas. S. Crane, (S. L. *Herald* of Oct. 28, 1894).

*The Deseret News* was ardent in its praise of the part taken by Joseph L. Rawlins in securing the passage of the enabling act through the house. See *Weekly*, of Dec. 23rd, 1893, pp. 6 and 9.

Utah's enabling act was approved by President Cleveland on the 16th of July, and two days later—the 18th—the Presidency of the Church was mindful to recognize others, besides Democratic agencies, in securing statehood for Utah, among them Col. Isaac Trumbo, who had interested himself in Utah affairs. See dispatch to that Gentleman in Proceedings Before the Committee on Privileges and election in the Smoot Case, Vol. I, p. 830.

63. The measure was introduced into the House by Hon. John T. Caine, Utah's Delegate in congress, on the 7th of January, 1892; and into the senate by Mr. Charles J. Faulkner, U. S. Senator from West Virginia. The bill will be found in full in the congressional Record of March 30th, 1892, and in *Deseret News—Weekly*—of July 23, pp. 129-131. It consisted of 27 sections.



appeared before the committees "to urge its passage."<sup>64</sup> Some Utah Republicans, Mormons and Gentiles, opposed the measure, both in the Territory and before the congressional committees, as being likely to retard the coming of statehood; and Liberals opposed it, because they were against enlarging the sphere of local self-government in the Territory either by the passage of this home rule bill or by granting statehood. The bill was favorably reported to the house on March 30th.<sup>65</sup> On the 8th of July it passed that body by a vote of 164 in its favor, to 41 against it; 123 being absent and not voting. The measure, however, failed to reach the senate for consideration; and indeed events were now forming so rapidly in favor of statehood for Utah that it would have been the height of unwisdom to have urged the passage of the home rule bill by the senate. Indeed so favorable had the sentiment grown in favor of statehood for Utah, that Mr. Henry M. Teller, U. S. Senator from Colorado, as a Republican counter movement to the Democratic home rule bill, had introduced a bill in the senate for the admission of Utah as a state.<sup>66</sup> And before the close of the second session of the 52nd Congress, viz. on the 14th of January, 1893, Mr. Caine introduced a bill for an enabling

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64. Those who made arguments before the Senate and House Committees on Territories were Hons. H. W. Smith and C. C. Richards of Ogden; Judge J. W. Judd, Franklin S. Richards, Judge T. J. Anderson, Hon. Joseph L. Rawlins, Frank H. Dyer and Ex-Governor Caleb W. West, all Democrats; The Liberals who opposed it were Hons. O. W. Powers, Mr. C. E. Allen; the Republicans. Judge C. W. Bennett and John Henry Smith. See Hearings before both senate documents, but not the "Home Rule" Bill, itself. In Utah the Home Rule bill the legislature's Memorial for the passage of the bill and many other valuable documents, but not the "Home Rule" Bill, itself, and house committees, published by the government in 1892. In these "Hearings will be found the legislatures memorial for the passage of the bill and many other valuable documents. In Utah the Home Rule bill excited bitter controversy between Republicans and Democrats in the campaign of 1894, when both parties were claiming credit for securing statehood for Utah. See speeches and documents cited in the Proceedings before the Senate committee on privileges and elections in the Smoot case, Vol. I, pp. 228-230; also Salt Lake *Tribune* and *Herald*, Oct. 21st, 1894 and several pamphlets published during the campaign, representing attack and defense.

65. See Congressional Record of that date, house proceedings. Mr. Joseph E. Washington, the chairman of the house committee on Territories, made such an elaborate report, and so favorable to Utah that it must have gone far toward persuading members of Congress that Utah was ready and worthy of statehood. *Id.* Also *Deseret News-Weekly*—of April 9th, 1892, which published a very full synopsis of the report, pp. 500-502.

66. It was claimed, and by those who were in a position to know, that the Teller bill was hurriedly introduced merely as a Republican party offset to Democratic Party action favorable to Utah. The Teller bill contained "no provision in the nature of an ordinary enabling act," and was not intended to go beyond its mere introduction. "Plain Talk," issued in campaign of 1894.



act for the admission of Utah, which bill was reported back to the house ten days later, and placed on the calendar, but it failed of consideration in that Congress. Mr. Caine had also prevailed upon United States Senator Faulkner, of West Virginia and sponsor in the senate for the home rule bill, to introduce a similar bill for statehood in the senate, but that, too, failed of consideration,<sup>67</sup> and securing the passage for an enabling act for the admission of Utah took the course already described in this chapter.

In the Territorial November election of 1893, at which election members of the legislature were chosen, there were still three parties in the field, Democrats, Republicans and Liberals. In the council of the legislature the Republicans elected five, the Democrats five and the liberals two; in the lower house the Republicans elected ten members, the Democrats eight, the Liberals six.<sup>68</sup> This was the last election in which the Liberal party participated. In addition to the decline in their vote in the Territorial election—it shrank in the legislative council districts to 3,420 as compared with 6,986 in their vote for delegate to congress the year before. They also lost political control of Salt Lake City, in this election, as stated in the preceding chapter. It was evidently time to disband a party so helpless, and accordingly, immediately following the election of 1893, the Salt Lake *Tribune*, counseled the party to disband;<sup>69</sup> later, viz. on the 18th

67. See L. D. S. Biographical Encyclopedia—Art. *John T. Caine*, pp. 726-737.

68. The Democratic plurality in the Territory was 1,910 votes according to the Utah Commission report of this election: "The Democratic vote is 1,510 less than the combined vote of the Republicans and Liberals; the Republican vote is 5,330 less than the combined Democrats and Liberals; and the Liberal vote is 26,642 less than that of the Democrats and Republicans combined, or about ten per cent of the total vote, 33,482." (*Deseret News*—Weekly—of Nov. 25, 1893, p. 713).

69. "Some of the truest men in the Liberal party considering the full situation, said the *Tribune* editorial counseling disbandment, "declare that the time has come when a full trial of the people of Utah on the American plan should be made. They urge that if the experiment proves a success, we will all be glad, for that is what we have all been always hoping for; if it fails, it will be easier to successfully appeal to the American sentiment then, than as though we were to keep up the division, and supply to the opposition such excuses as are given for the work on Tuesday last."—Having reference to the election of that day in which Liberals appeared to such disadvantage.

"We subscribe to that view," the editorial continues, "We think all Liberals should remain alert Liberals, that is, they should always keep a zealous watch on events as, from day to day, they transpire; but should cease to act as a separate, political organization. We think if the bulk of Liberals decide that this is best, they should at the same time determine in the new line to perform their duty as American citizens. When anything right shall be done, they should give it hearty support;





of December, 1893, the Party at a formal meeting disbanded by resolution sustained by speeches eulogistic of the Party's achievements<sup>70</sup>

Governor West in his annual report to the Secretary of the Interior, for the year 1893 bearing date of October 2nd—also radically changed the tone of his report from that noted in previous reports and especially in the tone of his recommendations. Of Utah the Territory, he said:

"We now have a population of about 240,000. An assessed taxable valuation of \$109,000,000. It is scarcely necessary to dilate upon or go into particulars as to Utah's population, wealth, stability, and material development entitling her to statehood. . . . Our improvements, both public and private, are upon a liberal and generous scale, commensurate with our wealth and ability.

"Educational and school advantages are good and constantly being improved. We have an enlightened, well ordered, strong, self-sustaining community, enjoying all the advantages and comforts of modern cultivation and civilization. . . .

. . . . It is true, however, that a small minority continue to interpose objections to the conferring of this great boom upon the Territory. Those composing it found their opposition upon a doubt as to the sincerity of the Mormon people in the action they have taken toward the settlement of the old questions of disturbance. . . . It affords me pleasure, however, to be able to state that this class is constantly growing less and its numbers rapidly decreasing. Many of those who have opposed in the past all movements looking to Utah's admission have

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if anything wrong shall be attempted, they should cry out against it, and call upon the Mormon people to help them in the work." (Salt Lake *Tribune* of Nov. 10th). "We believe it would have been better if this decision had been reached sooner," said the *Deseret News*, commenting on this *Tribune* recommendation. "But it is still in time to prevent much future wrangling and discord. We would also prefer to note that conversion was the result of absolute conviction rather than, as hinted above, it were essayed as an experiment; but, relying upon the assurance that the experiment can only prove satisfactory, we welcome unconditionally and unreservedly this mighty step towards Utah's advancement, and greet our fellow citizens with all the fervor and affection that their sincerity can desire. Not only as ex-Liberals, but as Republicans and as Democrats, yea, as patriots every one, should they keep a jealous watch on events as they transpire. In supporting anything that is right, and crying out against anything that is wrong, they may 'call upon the Mormon people to help them in the work,' and the *News* promises that they will not call in vain. Truly, we can make a great state of Utah, all working together; and if all hands will now perform their full duty on these lines, our bright lexicon will 'contain no such word as fail!'" (*Deseret News*—Weekly—of Nov. 18, 1893, p. 676).

70. See S. L. *Tribune* of Dec. 19, 1893.



abandoned their opposition and now heartily favor it, and give their earnest support to the present movement."

Following this the governor urges a view that is of great value in considering the tribulations through which Utah had by slow and painful steps made her way towards the prize of her high calling as one of the American states, viz:

"I know of no people who, in their preparation for statehood, have been confronted with as delicate and grave questions and as radical differences, requiring the cultivation and exercise of the highest public qualities, yet the responsibility has been met with patience and forbearance, and our people, after years of earnest effort, have peacefully solved their difficulties and satisfactorily settled their differences. The salutary lessons inculcated in the school of actual experience have admirably trained and fitted them for the duties and responsibilities of a state government."

The governor also recommended "the repeal of the provisions of the law of March 3rd, 1887" [The Edmunds-Tucker Law] escheating the property of the Church of Jesus Christ of Latter-day Saints; and an act restoring the property to the Church. "There is left," said he, "neither reason nor excuse in my judgment, for taking from the Mormon Church and people their property, and it ought to be restored to them." "The Mormon people" he continued, "while undergoing the many hardships and deprivations of the pioneer frontier life through many years, by their voluntary subscriptions created this fund, and when it is beyond all question that it will be devoted to no unlawful purpose, but to commendable and charitable uses, it ought to be returned to them. Such fair and just action by Congress would give great satisfaction to the people of the Territory, and encourage and strengthen the constantly growing sentiment of cordiality and good feeling among the people."<sup>70½</sup>

<sup>70½</sup>. "I earnestly urge that congress be recommended to promptly pass the desired relief, *because 'he gives twice who gives quickly.'*" Such the closing sentence of the governor on this head of his report. Why the return of the "escheated" property which is only a legal term describing the act of *confiscation*—should be treated as a "gift" to the Mormon people, is a little difficult to understand; but the governor meant well, and perhaps he thought the common stock aphorism of preachers might have its effect on congress. A good summary of the report as to its important features is published in *Deseret News—Weekly*—of Nov. 25, 1893, pp. 714-15.



In the election of 1894 the people for the first time were to meet each other aligned solely on national party lines in Utah. Mr. Joseph L. Rawlins was the Democratic and Mr. Frank J. Cannon the Republican candidate for delegate to congress. It was at this election also that delegates were to be chosen for the constitutional convention. The tariff and "hard times," the latter alleged to be the result of Democratic victory of two years before, were the issues between the parties and the Republicans won a very notable victory throughout the nation. Also in Utah. Mr. Cannon was elected delegate to Congress by a majority of 1,819;<sup>71</sup> and the Republicans elected sixty out of the one hundred and seven delegates required by the enabling act for the constitutional convention, a clear majority of thirteen. While the tariff and "hard times" were issues in Utah, as elsewhere throughout the nation, and were ably discussed, unfortunately there was injected into the campaign the question as to which of the national parties had befriended Utah most in her recent struggle for statehood, and to which party was her people most bound in gratitude. This gave rise to a very bitter local controversy in which prominent brethren of the Church participated against each other as partisans with a zeal that carried them beyond the limits that calm reason would dictate; and the literature of the campaign both editorials and special articles in the newspapers current, as in the dodgers, leaflets, and pamphlets, representing attack and defense, reply and rejoinder, ran the whole gamut of intense debate.<sup>72</sup>

71. There was a Populistic candidate in the field, Mr. H. L. Gaut, who received 555 votes. Mr. Cannon received 21,326. Mr. Rawlins, 19,505; Mr. Cannon's plurality was 1,821. N. Y. *World Almanac* election returns for 1895.

72. Certain questions put to the Republican candidate by a leading Democrat brought forth answers in personal cards from Mr. F. J. Cannon, and also from six gentlemen and Mr. Cannon who were the board of control of a corporation known as the "Utah Company," capitalized at \$10,000,000. It was alleged, that the company was attacked by the questions submitted. The questions will be found in the *S. L. Herald and Tribune* of Oct. 17th; and the cards in the *Deseret News* and *S. L. Tribune* of the 29th and 30th of Oct. respectively; also rejoinder by Judge Powers was published in the *Salt Lake Herald* of Oct. 31st, also in leaflet, "Powers' Answer," in which he disclaims any attack upon the First Presidency of the Church, and points out that his questions had to do with F. J. Cannon, and certain undenied reports given out at Washington, D. C. about the time of the passage of the statehood bill, which from his standpoint justified the questions.

There was also an aftermath to this campaign in the form of a newspaper attack upon President Geo. Q. Cannon and his alleged business and political methods. It was charged that he had entered into certain agreements and understand-





The intensity of feeling attending upon the discussions during the campaign brought out a communication signed by President Woodruff which is an official document upon a question of great importance. On the 23rd of September, 1894, at a stake quarterly conference at Provo, the President made some remarks respecting the rights of the priesthood in giving counsel and direction to the membership of the Church, which was sympathetically reported in the *S. L. Tribune* as follows:

"It is generally thought the First Presidency should have nothing to say about politics," he [President Woodruff] continued. "I picked up a paper this morning saying that we had no business to meddle in politics. We have a right to lead the people in spiritual and temporal affairs. We have the same rights of leadership that President Young had and that the Prophet Joseph Smith had. In temporal affairs? Yes. In political affairs? Yes. We have a right to advise both Democrats and Republicans to lead a pure campaign. We have a right to say to the people that they must be pure in politics as well as in temporal affairs. We have thousands of children growing to manhood in Zion. I am interested in their welfare, and I would like to see them brought up under proper influences and not under the influence of such a campaign as we had two years ago."

A letter from the "*Tribune* Publishing Co.," then conducting the *Daily S. L. Tribune*, bearing date of Sept. 24th, submitted to President Woodruff—having in mind, of course, the formal declaration of the Presidency in the *S. L. "Times Interview,"* and other official statements considered—the following questions:

"The purpose of this inquiry is to ascertain with exactness:

First, whether your remarks were precisely as reported, and, if not, wherein they depart from precision.

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ings with politicians of national reputation and standing, by which Utah was made a Republican state with trust-favoring senators assured; and in consideration of which certain large corporations and other business ventures in which Mr. Cannon—and, as alleged, the Church through certain of its high officials were interested—were to be financed by Eastern trusts. The charges alleging all this appeared in a seven-columned article in the *New York Times* of Feb. 13th, 1895, and was copied into the *Salt Lake Herald and Tribune*. The article created a national sensation and was widely commented upon. Mr. Cannon denied these charges and discussed them at length in a reply which appears in full in the *Deseret News—Weekly*—of March 2nd, 1895, pp. 346-348.



Second, if the remarks were as reported, then in what sense do you wish them to be understood: whether as a claim to control the political actions of your people absolutely, or only as a citizen to advise the right.

Third, the claim is apparently made in your remarks that the Church authorities claim the right to direct the people in their business and politics, and, in general, their temporal affairs, as well as spiritual. It is desirable to know whether this claim is really made and insisted upon at this time, and is to be in the future, while the public has been led to believe that claim a thing of the past.

Most respectfully,

[Signed] TRIBUNE PUBLISHING Co."

In his answer President Woodruff said that his remarks as published by the Tribune were "substantially correct." Answering the second and third question he said:

" 'The control of the political actions of our people absolutely' is not set up as a claim in my remarks, and I certainly would not wish them to be so understood. I hold that it is the right of the Priesthood to advise at any and all times and under any circumstances those who profess to respect its powers, in all matters pertaining to their temporal welfare and their spiritual salvation; if in the matter of politics, that the Latter-day Saints should be governed by pure principles, and in political affairs should realize and act upon their responsibilities as Saints and citizens. This is not to claim the right to advise them how or for whom they should vote, or which party they should join. We emphatically and sincerely approved the division of the Mormon people on party lines, and we recognize every man's agency and respect his right to choose in these matters for himself. We have not advised, and do not advise our people how they shall vote; the elections that have been held in this Territory since politics on national party lines were introduced, are proof of this policy; we have asked no Republican to vote the Democratic ticket, and no Democrat to vote the Republican ticket; we have never advised men to vote other than their convictions prompted them, and have no intention of giving such advice. At the same time, we claim the right, both as individuals and as leaders of the Church, to counsel our people to keep aloof from the corruption, the scandal, and the filth of politics as too frequently practiced in the world, to set an example in this as in other things, and it is in this sense that I wish to be understood as asserting the right of the Priesthood to give counsel in political affairs. As



citizens we have the right of opinion and of speech; we also have responsibilities and duties to ourselves and to others; but until the foregoing can be construed as meddling in politics, I shall be unable to find ground for the uneasiness of which you speak. However, in the light of this statement of my meaning and views, I trust there can be no further cause of anxiety or unrest; I assure you there is no foundation for it.

[Signed] WILFORD WOODRUFF.<sup>73</sup>

It had been quite generally expected that Utah in this 1894 election would go Democratic. Rawlin's plurality in the previous delegate election—1892—had been 2,811, or 15,202 as against 12,390 for Cannon. This left 6,986 who voted the Liberal ticket out of the total vote of 34,577. Had this Liberal vote broken anywhere nearly even, in 1894, the Democrats should still have had a majority. But evidently the remnant of the Liberal Party from 1892 was largely Republican, and when it disbanded its members joined the Republican ranks and made that party's victory of 1894 possible. Notwithstanding this unequal break of the Liberal party remnant, however, there were other considerations which to many still justified the expectation that Utah would go Democratic—viz: It had been a Democratic congress—the 53rd—and executive which restored nearly half a million dollars of the personal property to the church; the enabling act for Utah's statehood had been introduced by a Democratic delegate from Utah; it was passed by a Democratic house and a Democratic senate;<sup>74</sup> it had been approved by a Demo-

73. The whole correspondence will be found in *Deseret News*—Weekly—of Sept. 29, 1894, p. 458, with editorial comment—*Ibid*, p. 457. The *Tribune* editorially accepted as satisfactory Pres. Woodruff's answer, saying:

"The reply is not a retraction of any powers professed by the Church, but it does declare that no member of the priesthood would think of advising any Mormon to vote any ticket, only claiming the right, both as a man and a priest, to watch over the morals of the people and as far as possible to shield them from all that may be debasing or immoral in politics." (*S. L. Tribune*, Sept. 25th, 1894).

The *S. L. Herald* also expressed its satisfaction: "In this connection we wish to say that rational people will not object to the introduction of politics into the pulpit, in the sense mentioned by the Mormon President. It is only when the power of ecclesiasts is used as partisans, to unduly influence church members in favor of a party or a candidate that a protest is made."

74. The senate during the first session of the 53rd Congress stood 44 Democratic; 38 Republicans; 3 Populists; and 3 vacancies. In the 2nd session the number of Democrats remained the same; the Republicans lost two, and the Populists gained two. The vacancies remained the same. See *N. Y. World Almanac* compilation of Senate statistics, 1894, p. 363; and 1895, p. 373. The House of the 53rd Congress was heavily Democratic, viz. 219 Democrats; 127 Republicans; Populists, 10. *N. Y. World Almanac*—1894, p. 368.





cratic President, and if Utah was to be admitted under the enabling act after her constitution was formed, it would be by the proclamation of a Democratic President. In addition to these considerations it had been the declared policy of the Republican party to destroy the plural marriage system sanctioned by the Church of the Latter-day Saints, and pursuit of that purpose had led to the enactment of all legislation inimical to the Mormon citizens of Utah. Very naturally the tendency of this course on the part of the national Republican party was to incline the members of the Church to the Democratic party, which, while it never sympathized with the Latter-day Saint religious institution under censure, it was not responsible for the open warfare made upon it, and some leading members of that party in congress did urge constitutional objections to some of the extreme features of the Republican legislation. Indeed it was so generally believed that Mormon sentiment was so far Democratic that when division on national party lines began to take place the fear was entertained by some that the "Mormons" would go over bodily to the Democratic party, and that the result would be practically, that the "Mormons" would largely constitute the Democratic party and the "Gentiles" the Republican party; that there would be no change of parties; really only a change of names. This was the cause of much anxiety on the part of some leading Church men, following the division on national party lines, and they urged that those members of the Church who had at least no sharp-drawn convictions on the political issues between the national parties to be not in too great haste to commit themselves to party affiliation,<sup>75</sup> and some un-

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75. Under the caption "Don't Be In A Hurry," the *Deseret News* in harmony with what is said in the text, published the following editorial: "The dissolution of the People's party in this [i. e. Salt Lake] county, and movements in the same direction which are taking place in other counties, leave a great many citizens without connection with any political organization. Some will naturally unite with the Democratic party—others with the Republican party, and a few perhaps with one or other of the new parties which are claiming the attention of the American public. There are no strings upon any of them. Perfect freedom in this matter is the right of every citizen. . . . It is not necessary, (however) that they shall rush pell mell into either of the great parties.

"It is not surprising to us that such persons are in doubt as to which party they should join. A pronounced Democrat will think that the extreme of weakness and vacillation. To him there is no question that the safety of the people requires the supremacy of the Democratic party. The radical Republican has a feeling akin to contempt for a man who hesitates, and it is his conviction that the perpetuity of



doubtedly were persuaded by the force of such suggestions to cast their lot with the Republican party.

It was feared in some quarters that the result of the election of 1894 in Utah might be so disappointing to the Democratic congress and the administration that it would endanger statehood; for having yet the second term of the 53rd congress to complete, and five months of a Democratic administration, pretexts for undoing, what had been done, and holding up Utah's statehood would not have been difficult, and was at least a possibility. Accordingly a number of influential Utah Democrats, including John T. Caine, former delegate to congress, Governor West and others, went to Washington to inquire as to the likelihood of unfriendly action by the Democrats. They reported the feeling among Democrats at Washington to be that "while as Democrats, they were disappointed at the result of the late election in Utah, they declared that the Territory had all the qualifications for statehood and was entitled to admission into the Union irrespective of politics, and it was the avowed policy of the Democratic party that the Territory should be admitted before the close of that session."<sup>76</sup>

Under the enabling act the Utah Constitutional Convention convened on the first Monday in March—the 4th—1895. Sixty of the one hundred and seven delegates, were Republicans; forty-seven Democrats; and as the former had a working majority they proceeded with the organization of the convention under the caucus arrangements entered into previous to the meeting of the convention. Mr. John Henry Smith—son of Geo. A. Smith—who was a cousin of Joseph Smith, the "Mormon" Prophet, and prominent in early Utah history—was made President of

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the nation depends upon Republican rule. But as a matter of fact this is partyism rather than politics. . . . Now, in our opinion, there need be no hurry for late members of the People's party who are not decided in their views, to identify themselves with either of the great national parties. They should be thoroughly persuaded in their own minds as to the principles which are most in conformity with the genius of American institutions, before they give their allegiance to any party. . . . And they should remember this: The only command that has been given to them in relation to their political action is, that 'good men and wise men they should observe to uphold; and whatsoever is more or less than these cometh of evil.' Let every late People's Party man exercise his own free agency, examine well the question of the hour and be sure that he is right before he goes ahead!" (*Deseret News*—Weekly—of June 13th, 1891, p. 782).

76. Caine's Biography, L. D. S. Biographical Encyclopedia, p. 737.



the convention, and the organization throughout was, of course, Republican. The convention in all ran through sixty-six days, its closing session being held on the 8th day of May, 1895.

The constitution of course, followed in general outline the constitutions of other states of the American Union, differing chiefly in that it accorded to women equal suffrage with men. By the express terms of the enabling act the convention was required on behalf of the people of the proposed state to adopt the constitution of the United States; to make the proposed constitution Republican in form; to make no distinction in civil or political rights on account of race or color—except as to Indians not taxed; it was not to be repugnant to the Constitution of the United States and the principles of the Declaration of Independence; and also the convention was required to provide by ordinance, irrevocable, without the consent of the United States, and the people of said state—

“That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship. *Provided, that polygamous or plural marriages are forever prohibited.*”

All these things the convention did. In the last item, which of course was of special interest, the convention, in order to be sure of compliance with this named condition, adopted the exact language of the enabling act. This early in the convention's history—the seventeenth day—placing it in the bill of rights. Later Mr. Varian, of Salt Lake City, a non-Mormon, and a lawyer of high standing, introduced an additional article on the subject, tending as he claimed to give further expression of good faith to the country on this subject, by the people of Utah. The object of this second article was to define polygamy and provide for its punishment in the constitution, and not leave it for the legislature to give effect to the constitutional declaration that “polygamous or plural marriages are forever prohibited.” The status of the law upon the subject was that there was in effect, so long as the Territorial condition remained, the congressional law against both polygamy and polygamous living, or unlawful





cohabitation. As soon, however, as Utah became a state these congressional laws would cease to exist, and from Mr. Varian's point of view there would remain nothing against the practice of polygamy but the constitutional declaration that it should "forever be prohibited;" but this provision, as Mr. Varian pointed out, was not "self-executing," and might or might not be made effective by action of the state legislation. He urged that to leave the matter in this status might be regarded by those who would pass upon the work of the convention—the administration at Washington—as failing to comply with the spirit of the enabling act. The Territorial legislature in 1892 had passed an enactment, which the governor had approved, defining in terms polygamy, unlawful cohabitation, adultery, incest, fornication, and providing penalties for the same; and this in practically the same terms as were used in the congressional enactments upon these same subjects. For the reason, however, that the territorial legislature had only paralleled the laws of congress, thus entering the sphere already occupied by the superior legislative authority, it was quite generally held that the Territorial act was of no effect—was void; as a law it had no existence, and therefore would not and could not be brought over into the state as a law by the clause in the schedule of the constitution which provided that "all laws of the Territory now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature." Under this condition, then, Mr. Varian moved the insertion in the schedule of the constitution (Article XXIV) the following:

"The act of the governor and legislative assembly of the Territory of Utah, entitled 'an act to punish polygamy and other kindred offenses, approved February 4th, A. D. 1892,' in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah."

This, it will be observed, was cutting the Territorial enactment in two, adopting so much of it as defined and punished polygamy,<sup>77</sup> but leaving out, and advisedly, the part which

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77. Defined as follows: "Any person having a husband or wife living who marries another, and any man who simultaneously or on the same day marries more than one woman," the penalty was a fine of not more than five hundred dollars and by imprisonment for a term of not more than five years.



related to polygamous living or unlawful cohabitation. The Varian amendment to the schedule article given above was adopted by a vote of 72 in favor of it, 16 against it; 16 absent, and 12 paired.<sup>78</sup>

The clear, unstrained effect of this act of the constitutional convention, in the settlement of this long-continued and vexed question was to provide against future polygamous marriages and leave undisturbed the relationships that had been formed in the past under the sanctions of the Church of the Latter-day Saints. And that also, and only that, was the clear and unstrained meaning of the requirement of the enabling act, *viz*: "*that polygamous or plural marriages are forever prohibited.*" That the effect of cutting in two the act of the governor and legislative assembly of the Territory of Utah and making that part which defines and imposes penalties for polygamy a part of the constitution, while failing to incorporate the second division, relating to unlawful cohabitation, would have had the effect by implication, and intent of the convention, to repeal the second part of it, even if it had been a valid law, was admitted in the debate on Mr. Varian's proposition.<sup>78½</sup> The law thus cut in two, was very generally held by the lawyers of the convention to be not valid; and therefore left the second division of the law where the whole law always had been in the opinion of the foremost lawyers of the Territory, ineffective, and void from the beginning.<sup>79</sup>

Mr. Varian in an address before the Territorial Bar Association of Utah, in January, 1895, months before the constitutional convention convened, forecast the treatment of the subject of polygamy by the convention in the following paragraph:

78. See Proceedings of Constitutional Convention, Vol. II, pp. 1736-1749.

78½. Mr. Evans (of Weber), asked Mr. Varian—on the floor of the convention—"Suppose the act of 1892 were valid?"

"Mr. Varian. If the law were valid, I should not then introduce—

"Mr. Evans. Wouldn't it then [the proposed Varian Clause] repeal everything except the polygamy?"

"Mr. Varian. If the law were valid it might repeal by implication, although repeals by implication are not favored." (Convention Proceedings, Vol. II, p. 1748).

79. See Varian's account of the reports of judiciary committee in the Utah Territorial legislature respecting this law, Convention Proceedings, Vol. II, pp. 1746-8; also Mr. Thurman's speech, *ib.* p. 1742.



“In accordance with the general convictions of civilized men and the spirit of free institutions, religious liberty will be fully secured by the organic law and a prohibition against plural or polygamous marriages adopted in deference to the suggestion by Congress. Whether it shall ever be stricken from the Constitution will depend solely upon the future temper and will of the people. *It will be observed that the actual polygamous status, or living with two or more women as wives, known in Utah as a criminal offense termed ‘unlawful cohabitation,’ is not referred to in the proviso of the Enabling Act.* Whether the constitution builders will content themselves with prohibiting polygamous marriages or will go further and prescribe the polygamous association also will be developed in time.”<sup>80</sup>

And “time” developed the fact that “the constitution builders” effectively provided against future plural marriages, but left undisturbed the relationships growing out of polygamous marriages of the past, since they were not required by the terms of the enabling act to take any action relating to that status.

This then, was the settlement of the polygamy question by the constitutional convention:—the fountain of the supposed evil—polygamous marriages—was to be dried up; the streams that had their origin from that fountain, in the past, to run their course until lost on death’s plain.

Unfortunately, however, that settlement of the matter, so eminently just, and universally satisfactory to all concerned—for there was no protest made against it from any quarter—was not permitted to remain undisturbed. A code commission was appointed to compile the laws of Utah in 1896.<sup>81</sup> They included in their compilation this invalid territorial law respecting polygamy and polygamous living, and as this compilation of law was presented to the legislature and passed as a bill, it saddled upon the state the part of the law which the constitutional convention did not consider necessary to incorporate in the consti-

80. The passage will be found in *Deseret News—Daily*—of Aug. 3rd, 1899, also *Provo Democrat* Aug. 2.

81. The appointment of the Code Commission was authorized by the first state legislature. (See Chapter 85 of the Laws of Utah, 1896). It made its report November 7, 1897, and the Code was published and operative from January 1st, 1898. R. W. Young, Grant H. Smith, and Wm. A. Lee constituted the Commission. See Preface to the Code, 1898.





tution in order to comply with the demands made upon Utah as a condition precedent to admission as a state, and certainly not demanded by the people of the state. It is not putting the matter too strongly to say that its admission into the compilation of the laws was an inadvertance. But notwithstanding this re-enactment of the old void Territorial law, the constitutional convention settlement of the polygamy question, as set forth above, has been the one accepted and acted upon in the state of Utah, and despite the slight variations from the rule purposes, the constitutional conventions adjustment of the polygamy question has become the settled public policy of the state of Utah.<sup>82</sup> The melancholy finality contemplated in that set-

82. In 1901 an effort was made to nullify the effect of admitting into the code this void law of Territorial days by the passage of an amendment to section 461 of the revised statutes of Utah, 1898, providing—that "no prosecution for unlawful cohabitation shall be commenced except on complaint of the wife or alleged plural wife of the accused; but this proviso shall not apply to prosecutions under section 4208 defining and punishing polygamous marriages." This amendment passed the senate March 8th, 1901, by a vote of 11 to 7; and the house a few days later by a vote of 25 to 17. This act awakened some opposition throughout the country and Governor Wells professing the fear that it would lead to wide spread agitation vetoed the bill on the 14th of March, saying, however, in his veto message; "The broadminded and intelligent everywhere accept the situation here as it exists, and are content to let time complete the solution of the problem. Even the bigoted and the meddlesome have to admit that with some exceptions the conduct and integrity of the people are above reproach. . . . While it may be urged that in any event only the few could be made to suffer, is it not an odious thought, repulsive to every good citizen, of whatsoever creed or party, that the whole state should thus be put under a ban? Surely there is none so selfish and unpatriotic as to argue that this is preferable to the endurance of a few isolated instances of prosecution—unbacked as they are by either respectable moral support or sympathy." (The message will be found in *S. L. Herald* of March 15, 1901—also in *Smoot Proceedings*, Vol. I, pp. 582-3). President Smith in his testimony before the senate committee in the Smoot Case stated in effect that he had not been prosecuted for unlawful cohabitation by the officers of the state of Utah, because of their respect for him (Vol. I, p. 334); and later stated that "not only public opinion" but the constitution of the State of Utah—having in mind doubtless the constitutional convention settlement of the polygamy question, and "the general condition that exist in Utah," justified him in living with his polygamous wives, (see *Id.*, p. 485). Against this protest was made by a meeting of 187 men and one woman, held in Salt Lake City. A protest and a memorial was drawn up and sent to congress and to the senate committee on privileges and elections denying that they were condoners of the crime of polygamous living, they protested against its continuance "and demand that this law breaking be given up in all its forms." For proceedings & Memorial see *S. L. Herald* of March 15th, 1904. This action represented no general movement and the fact remains that such toleration has excited and does exist as is made plain by testimony before the senate committee in the Smoot Case, and from conditions in Utah that are matters of common knowledge. For evidence from the testimony in the Smoot case see in addition to Pres. Smith's testimony that of E. B. Critchlow, Vol. I, pp. 618-625; and of Judge O. W. Powers, *Ibid*—where the Judge said: "Those men (i. e. old Liberals) have felt, and still feel, that if this matter is to die out and pass away, they will not interfere with them" [i. e. with Mormons living polygamously]. . . . We have not



tlement is not remote—the elimination by death of that generation of men and women who were involved in the system of plural marriage under the sanctions of the Church of the Latter-day Saints. There are but few of them left now—1915—“*and time is on the wing!*”

In the Utah election of 1895, when there was elected the first full set of state officers,—a congressman, and the legislature that would later elect the first United States Senator from Utah, the Republicans were successful. They elected every officer, state and national by pluralities ranging from 897 to 2,314. Heber M. Wells, son of Daniel H. Wells, so prominent in the early history of the Church in Illinois and in Utah Territory, was elected Governor. Mr. C. F. Allen, a Gentile, was elected to Congress; the legislature, under agreement in the Republican caucus elected F. J. Cannon, son of Geo. Q. Cannon, and a “Mormon,” and Mr. Arthur Brown, a Gentile lawyer, of prominence, as senators.<sup>83</sup>

In this 1895 campaign and election as in the preceding one the charge of ecclesiastical interference on the side of Republican interests was freely made, and largely diverted the discussion of the campaign from national questions to local ones. Also for a time threatened to endanger the harmonious working of all the people of the state for the admission of Utah into the Union. The issue arose in this manner. Running on the Democratic ticket for the place of United States Senator and representative in Congress, respectively, were two of the general officers of the Church of the Latter-day Saints, Moses Thatcher, of the quorum of the apostles, and B. H. Roberts of the first council of the sev-

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known what was best to do. It has been discussed, and people would say that such and such a man ought to be prosecuted. Then they would consider whether anything would be gained; whether we would not delay instead of hasten the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecution. And so, notwithstanding a protest has been sent down here to you, [at Washington] I will say to you the people have acquiesced in the condition that exists.

“Mr. Van Cott, an Attorney: You men the Gentiles? “The witness: Yes, the Gentiles.”

83. State officers other than those named in the text were: Secretary of State, James T. Hammon; Attorney General, A. C. Bishop; Auditor, Morgan Richards, Jr.; Treasurer, James Chapman; Supt. Public Instruction, Dr. John R. Park. Judges of the Supreme Court, Chas. S. Zane, Geo. C. Bartch, J. A. Miner. The vote for the constitution stood 31,305 in favor of it; against it, 7,697. The vote for Governor Wells, Rep. 20,833; Caine, Democrat, 18,519. H. W. Lawrence, Populist, 12,051. For Representative in Congress. Allen, Rep., 20,563; Roberts, Dem., 19,666. Allen's majority, 897. (N. Y. *World's* election tables 1896—Utah, p. 440).



enty. In a select priesthood meeting held in the assembly hall on the seventh of October, the political canvass then being at its height, Joseph F. Smith of the First Presidency of the Church, indirectly referred to these Democratic candidates and Churchmen as having accepted nominations which, if followed by election, would take them from their official Church duties, and this without consultation had or arrangements made for their absence with their ecclesiastical superiors; and in this had failed to show due respect for Church authority, and were acting contrary to Church rule, as President Smith understood it, and in a manner to discredit the Church authority and lower its dignity. Undoubtedly President Smith was right in reproving these brethren for their dereliction of duty in the respect named; for the right he claimed for the Church authorities to be consulted under such circumstances, and by men holding such relationship to the organization as did the two candidates criticised, was reasonable. The dereliction of the two brethren undoubtedly arose however, not through wanton disregard of their superior officers or disrespect for the Church, but to the confusion which at the time prevailed in regard to what was to be the attitude of high ecclesiastics of the Church respecting political office holding. At first, when statehood was imminent, it was thought best, and so decided, that brethren holding prominent positions in the Church should not become candidates for public office;<sup>84</sup> but afterwards it was seen that this would deprive the state of the services of many very capable men, and especially from among the Mormon people, and therefore it was decided to permit church officials to accept political preferment; and under this arrangement the two brethren named had both accepted nominations, and had been elected members of the state's constitutional convention, together with many other high church officials, both Republicans and Democrats—Bishops, Presidents of Stakes and Patriarchs.

84. Indeed as early as October, 1892, it was decided that it would be best for certain high officers of the Church not to actively engage in political campaign speaking, as will be seen from the following excerpt from President Wilford Woodruff's journal. (*Ms.*), "Oct. 4th, (1892); . . . Met with the quorum of the Twelve. Partook of the sacrament together. Talked over our political situation and expressed our feelings frankly. The general opinion was for none of the Presidency, Twelve, or the Presidents of Seventy to take the stump to make political speeches." Subsequently came the understanding respecting office-holding and political activity mentioned in the text.





The President of the Convention, Mr. John Henry Smith, was one of the Twelve Apostles of the Church.

After the close of the constitutional convention, the election for state officers taking place in the Autumn following, and under the apprehension that the last ruling in respect of high churchmen being permitted to accept nomination and election to office warranted such action, the two brethren, Thatcher and Roberts, accepted nominations for the senate<sup>85</sup> and house respectively, and without constitution had an arrangement made with their ecclesiastical superiors respecting the possible interruption of their official services to the Church during a possible tenure of political office.<sup>86</sup>

The censure of these brethren was seized upon by the opposing party as indicating that they were out of favor with the Church authorities and that their political defeat was desirable<sup>87</sup>. Of course, as was pointed out at the time, whether or not this Church rule shall become a means of influencing and even controlling elections, and become an instrument of ecclesiastic interference in political affairs, depends wholly upon the integrity of the Church authorities. It might be urged, and it was so urged during this controversy, that the Church authorities could consent for one of their numbers to participate in political activities—if on the side they might be supposed to favor—and thus control political results. Or the people of their Church might interpret their willingness to excuse one officer from Church duties to mean that they favored both his nomination and his election; or by withholding consent from another to accept nomination, might be interpreted to mean that they were not only against his nomination but against the party cause for which he desired to stand, and thus bring ecclesiastical influence to bear upon the

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85. The Democratic party in Utah favored election of U. S. Senators by direct vote of the people, and in order to approach that method of choosing U. S. Senators as nearly as possible the party convention of 1895 nominated the men to be elected by the legislature should it be Democratic. Hence Mr. Thatcher went before the people in the campaign as the nominee of his party for U. S. Senator. The other nominee for senator was Joseph L. Rawlins.

86. See statement of the case by Mr. Roberts in the *Salt Lake Tribune* of Oct. 14, 1895; also *S. L. Herald* of same date. The statement is in the form of a signed interview. It will also be found in the Smoot Case Hearings, Vol. I, pp. 751-760.

87. Testimony in the Smoot Hearing, Vol. I, pp. 757-8; also pp. 813-816.



political affairs of the state.<sup>88</sup> If, however, the rule is invoked to protect the efficiency of the Church service and has that only in view, nothing can be more reasonable or more necessary to preserve Church efficiency and discipline among its general officers. And this is the purpose for which it was invoked in this year 1895 according to a signed statement by President Wilford Woodruff and *Deseret News* editorial comment. Referring to the meeting at which President Smith censured the brethren referred to above, President Woodruff said:

“There was not, according to my recollection one word said about Democrats or politics. . . . When the Church of Jesus Christ of Latter-day Saints was organized, it was with the holy Priesthood in its various orders and quorums. And when a man was appointed to the Apostleship, or Presidency, or in any office, as a teacher of the people, it placed on him a very grave responsibility; and no man was counted at liberty, from the organization of the Church, to engage in any branch of business, politics, or anything else to take him entirely away from his calling, business, duty or responsibility for a length of time, without first counseling with the Presidency of the Church, or with his quorum, on its propriety, and getting permission to do so. This order has rested upon us all alike. This has been my position for sixty years of my life, and that, too, without interfering with my manhood. And this course does not require a man to give up his position in the Democratic party or in the Republican. Every man has his own free agency. He has the right to withdraw from his quorum, or the Church, if he wishes. But while he remains in his quorum, or in the Church, we think he should be subject to the same rules that we ourselves are. But that duty does not require any man to withdraw from the Democratic or Republican party, or give up his political principles.

*Continued in next issue.* [Signed] WILFORD WOODRUFF.”<sup>89</sup>

Immediately following this signed statement and referring to it the *Deseret News* editorially said:

“To the foregoing card from President Wilford Woodruff,

88. See Interviews and discussion of these questions in the Salt Lake newspapers current at the time, Oct. and Nov., 1895; collected and published also in the Smoot Investigation before the Senate Committee on Privileges and Elections, and hence now government documents; Proceedings in the Smoot case, Testimony of Judge O. W. Powers, Vol. I, pp. 808-888.

89. *Deseret News*—Weekly—of Oct. 19, 1895, p. 553.



the *News* needs but to add a word of explanation. Since the general Priesthood meeting in the Assembly Hall on Monday, October, political circles have been disturbed to an extraordinary extent by the report of certain remarks alleged to have been made there as to the duty of the men who hold high ecclesiastical positions consulting with those who preside over them before accepting calls of a public or even a private nature which would interfere with the performance of their other duties. The reports circulated as to what was said have been in many instances greatly distorted, as is always the case and even where they were correctly given, they have been seized upon by politicians on both sides and improperly construed. The injury in a political sense has been two-fold: it has caused hot tempered Democrats to assume that the Church was opposed to the election of some of their candidates, when as a matter of fact neither candidates nor parties were mentioned nor intended; on the other hand it has caused impetuous and unwise Republicans to assume that their party and candidates had unexpectedly received a strong endorsement and that the First Presidency had manifested its desire for their success.

Now, the *News*, is in a position once more to say, in all conscientiousness and truth, that there was no intention to influence any man present or elsewhere in the exercise of his suffrage. The speaker whose remarks have been too extensively referred to had no desire to favor either side or candidate, or to convey any impression of preference for or opposition to any man or party. To the Church members and officials *in their relationship to the Church and the duties of their calling*, the Presidency claims the right to give counsel and advice. This right implies the authority to criticize or approve. And this right, and this only, was intended to be exercised on the occasion spoken of. It is accordingly unfair and untrue to accuse the Church of interfering in politics, or desiring to defeat any one or two candidates or to elect any others. The Church desires now as ever that each voter shall use his ballot in freedom and intelligence—it would not, if it could, restrain any one in the exercise of the utmost independence in all political affairs. Whoever improperly construes anything said or done at the meeting referred to—no matter which side said improper construction comes from—is therefore not only unjust to the Church and its leaders, but to the candidates themselves, the parties, the people, and the whole state in all its hopes and prospects.<sup>790</sup>

Later, after the canvass and the election were closed, and in

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90. *Ibid*, p. 553.





order that there might be a perfect understanding in the matter, and uniformity of sentiment and action, the general authorities of the Church<sup>91</sup> formulated in writing and signed this rule of the Church, usually referred in both Latter-day Saint and non-Mormon literature as "The Political Manifesto." The rule itself is preceded by a full explanation of the circumstances which called it forth. The salient points in the document, however, are in these excerpts:

"We unanimously agree to, and promulgate as a rule, that should always be observed in the Church and by every leading official thereof, that before accepting any position, political or otherwise, which would interfere with the proper and complete discharge of his ecclesiastical duties, and before accepting a nomination or entering into engagements to perform new duties, said official should apply to the proper authorities and learn from them whether he can, consistently with the obligations already entered into with the Church upon assuming his office, take upon himself the added duties and labors and responsibilities of the new position. *To maintain proper discipline and order in the Church*, we deem this absolutely necessary; and in asserting this rule, we do not consider that we are infringing in the least degree upon the individual rights of the citizen."

"We declare that in making these requirements of ourselves and our brethern in the ministry, we do not in the least desire to dictate to them concerning their duties as American citizens, or to interfere with the affairs of the state; neither do we consider that in the remotest degree we are seeking the union of Church and state."<sup>92</sup>

This document signed by all the general authorities of the Church excepting two of the Apostles, was presented to the conference of the Church on the 6th of April and sustained by vote as the rule and understanding of the Church on the matters of which it treats.<sup>93</sup> The two apostles who did not sign this manifesto were Anton H. Lund, absent presiding over the European Mission; and Moses Thatcher, who refused to sign it, on the

91. *Viz.*, the First Presidency, the Twelve Apostles, the Presiding Patriarch of the Church, the First Council of the Seventy, and the Presiding Bishopric.

92. Minutes of the General Conference of the Church, published in *Deseret News-Weekly*—of Apl. 11th, 1896, pp. 532-4. (See also Smoot case hearings, Vol. I.).

93. *Ibid.*, pp. 531-2.



ground that unless more strictly defined it would lead to ecclesiastical interference with the political affairs of the state, and nullify previous declarations of the general authorities as to the political independence and freedom of the individual, and the freedom of the state from ecclesiastical dominance.<sup>94</sup> For failing to join with the general authorities in signing this document, the name of Moses Thatcher was not presented at the April conference 1896; nor again at the October conference of the same year. Elder Thatcher during this period was in poor health, and therefore no positive action was taken respecting his recalcitrance, except that at the October conference referred to each of his fellow apostles referred to his contumacy, and warned the Saints not to be over-sympathetic with him pending a settlement of his case.

Elder Thatcher was finally summoned before the council of the Apostles for a settlement of his differences with them and the other general authorities of the Church, and not appearing in answer to that summons he was on the 19th of November, 1896, "severed from the council of the Twelve Apostles" and "deprived of his apostleship and other offices in the priesthood."<sup>95</sup>

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94. "From the S. L. *Times Interview* (referred to in previous pages) authorized by the President of the Church, as I understand it . . . the non-interference of the Church with political matters and with the liberty of the individual in reference to such matters was clearly set forth. The 'Manifesto' (i. e. political Manifesto) as presented to me, and the impressions it made on my mind . . . seemed to conflict with those declarations; and as there had been at that time no definition of its scope and meaning as to the officers of the Church to whom it might be applied I was unable to accept it"—(Thatcher's Testimony in the Smoot Case, Vol. I, p. 1037. See also Account of the Charges, Findings and Decisions in the Thatcher Trial before the Salt Lake Stake High Council. *Ibid.*, pp. 563-573). The case of Moses Thatcher enters very fully into the Record of the Smoot Hearings before the Senate Committee on Privileges and elections, both in the form of his own testimony (Vol. I, pp. 936 to 947; and from pp. 937 to 1036. This last citation is the Calvin Reasoner pamphlet *The Late Manifesto in Politics—Practical Working of 'Counsel' in Relation to Civil and Religious Liberty in Utah.* It covers 60 pages of the Smoot Record. Also *"The Thatcher Episode."* *Ibid.*, pp. 247-286. This is a criticism of Mr. Thatcher's position by Prof. N. L. Nelson of the Brigham Young University at Provo, and represents the Church side of the controversy. See also the Charges, Findings and Decisions" in the Thatcher Trial before the Salt Lake Stake High Council. *Ibid.*, pp. 563-572).

95. The Document in full is published in *Deseret News—Weekly*—of Nov. 28, 1896, p. 742; a number of letters passing between Lorenzo Snow the President of the Council, and the deposed Apostle is published in the *"News,"* of Dec. 5th, 1896, pp. 747-776. A fuller collection of letters and other documents will be found in the Calvin Reasoner pamphlet, in the Smoot Hearings, Vol. I, pp. 960-967 at 967 of this record is the announced decision of the apostles in this case.



Within a year further action was determined upon going to Mr. Thatcher's standing as a member of the Church. Under date of July 30, 1897, three of the apostles made charges of un-Christian-like conduct against him, covering largely these same difficulties arising from politics. The charges were investigated by the Salt Lake Stake High council, and were sustained. The decision was that in order to "retain his standing and fellowship in the Church of Jesus Christ of Latter-day Saints Moses Thatcher must publish a statement to the satisfaction and approval of the presidency of this stake of Zion fully covering the following points, viz: . . .

"That in taking the position that the authorities of the Church, by issuing the declaration of principles on April 6, 1896, acted in violation of pledges previously given and contrary to what they had published in the *Deseret News* and given to the *Salt Lake Times*, he was in error and in the dark.

"That he now sees there is no conflict between that declaration their former utterances in reference to political affairs.

"That he was mistaken in conveying the idea that the Church authorities desired and intended to unite church and state to exercise undue influence in political affairs."

These conditions and others enumerated in the decision, but which are mere details and addenda of the above main proposition, Brother Thatcher accepted by endorsing the decision, saying:

"*Without qualification or mental reservation I accept this decision in full.*"—[Signed] *Moses Thatcher*.

This acceptance was accompanied by an explanatory note attached to the decision authorizing the publication of it as a settlement of his acceptance of, and compliance with, the decision of the high council. It was so accepted by the presidency of the stake in which the issue was tried.<sup>96</sup>

Returning now to the matter of Utah becoming a state, from which the above matters associated with the first state election was a necessary digression, it is only necessary to say that President Grover Cleveland signed a proclamation to the effect that

<sup>96</sup>. The case is reported at length in the *Deseret Evening News*—Daily—of Aug. 14, 1897; also in Smoot case Hearings, Vol. I, pp. 564-573.





the several requirements of the enabling act had been complied with, a constitution had been drafted and accepted by vote of the people, an election of officers for the state had been held and the results certified, the constitution and government were republican in form and not repugnant to the constitution of the United States and the Declaration of Independence, and therefore by authority vested in him declared that the admission of Utah "*into the Union on an equal footing with the original states is now an accomplished fact.*" The proclamation was signed on Saturday the 4th of January, 1896.<sup>97</sup> The news of the event was received in Salt Lake City and throughout Utah with great enthusiasm. In Salt Lake City the fact of signing the proclamation was announced by the firing of guns, ringing of bells, blowing of whistles, and general jubilation. Two days later, Monday, January the 6th, the State officers were installed at a great public gathering in the Mormon Tabernacle, preceded by a procession through the principal thoroughfares. Mr. Charles C. Richards, Secretary of the late Territory of Utah acted as master of ceremonies in the absence of Governor West, the last of Utah's Territorial Governors. The opening prayer, as was most fitting, was prepared by the venerable Pioneer of Utah and President of the Church of the Latter-day Saints, Wilford Woodruff, but owing to his feebleness—he was 89 years of age now—his prayer was read by Geo. Q. Cannon.<sup>98</sup> A chorus of a thousand voices sang "The Star Spangled Banner." Territorial ex-delegate to congress, Joseph L. Rawlins, after being greeted by tempestuous applause, read President Cleveland's Proclamation admitting Utah into the Union.<sup>99</sup> Acting Governor of the Territory, Hon. Charles C. Richards, arose and said to the assembly:

97. The President's signature was affixed to the Proclamation at three minutes past ten a. m., Eastern time, or three minutes past eight a. m., standard time in Salt Lake City. *Deseret News*, Editorial account of the signing of the Proclamation—Weekly—of June 11th. 1896.

98. "I am thankful that I have lived to behold Utah a state government," is his simple journal comment on the day's proceedings.

99. As Mr. Rawlins concluded the reading of the proclamation he turned to Heber M. Wells, newly elected governor of the state and said: "And now I have the honor and the pleasure to present you, Heber M. Wells, the first Governor of [the State] Utah, the pen which was used by the President of the United States, ten minutes before the hour of midnight on the 16th day of July, 1894, signing the bill under which Utah has become a State in the American Union. I present it to you, in order that it may be kept among the archives of the State of Utah."



"I now surrender to your favored servant [the Governor of the State, Heber M. Wells] the executive office, upon his taking the oath prescribed by the Constitution."

The oath was administered by chief justice Chas. S. Zane. A cannon boomed on the instant from capital hill, and so as each state official took the oath of office. The great chorus of a thousand voices sang Evan Stephen's new state song—"Utah We Love Thee." Secretary of state Hammon read the Governor's proclamation convening the state legislature at three o'clock p. m. that day—the proclamation had been previously published. The governor delivered his inaugural address devoted chiefly to the history of Utah's struggle for statehood. The chorus and audience united in singing "America," and the gathering was dismissed by a benediction offered by Rev. T. C. Iliff.<sup>100</sup>

The legislature met as per proclamation of Governor Wells. On the 21st of January, as pre-arranged by Republican caucus, Frank J. Cannon and Arthur Brown were elected United States senators from Utah. On the 27th of the same month they took their seats in the senate. Mr. C. E. Allen was already in the house of representatives—and Utah in all respects began her career as a state in the American Union.

Here we reach an important epoch in the history of the Church of the Latter-day Saints. Up to the accomplished fact of statehood, in consequence of the Latter-day Saints as a civil community struggling for the right of local self-government, and at times for community existence itself, through the whole Territorial period, the affairs of the Church have been more or less inextricably associated with the affairs of the civil government. With statehood an accomplished fact; with the rights of self-government secured to the people; with church and state separated by constitutional provision, and by official declaration of the Church many times and in many forms repeated,—the Church from now on would have a well-defined and separate existence from political entanglements and struggles, such as have, no doubt, to some extent, hampered her free and full de-

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<sup>100</sup>. Proceedings in full will be found in the *Salt Lake Herald and Tribune* of the 7th of January, 1896; also in *Deseret News—Weekly*—of Jan. 11th, pp. 113-120.



velopment as an ecclesiastical institution charged with a great mission to be accomplished in two great activities; viz: (1) To make proclamation of, and to teach the truths deposited with her by the revelations of God, to every nation, and kindred, and tongue, and people; and (2) to perfect the lives of those who receive the truths she proclaims.

There will be debris to be cleared away in the immediately ensuing years—lingering wreckage from this past struggle; the formation of habits of speech and of action to conform to the new conditions imposed by this fact of statehood, and the formal separation of church interests from political strifes and struggles, but the complete separation is inevitable, the machinery is all provided for it, the necessity for it is imperative; and the Church of Jesus Christ of Latter-day Saints, for the full and free development of effective service for humanity, in teaching the absolute truth and the fullness thereof, and applying that truth to human life, has need to be free from the hampering contact of petty, political party strifes. Henceforth—from the inauguration of Utah statehood—the Church of Jesus Christ of Latter-day Saints in this matter will be free, and the more glorious for that freedom.

Little remains to be said of Wilford Woodruff's administration of Church affairs. Two things were done, however, beside those already recorded that should be mentioned. These were, first, more definite instructions delivered respecting the temple sealing ordinances. It is to be remembered that in the ordinances of the temple, provision is made for the linking together of families, work that may be done for both the living and the dead. The sons of men now living being sealed and united to their fathers, and they to their fathers back, back through the ages, as far as the genealogies may be traced. Under the revelations that shall be had, and under freer and larger communication between the heavens and the earth, the work will go on until there has been accomplished a complete uniting and welding together of all the families of the children of men, and their union effected with the great patriarchal head of the race—this the work in ultimate achievement. It had, however, up to the time here spoken of, April, 1894, been a custom in the





Church for men after getting the members of their own families living and dead sealed and united to themselves, to then have the group adopted into the family of some man whom they loved or admired, or for some reason or other trusted, but not of their own lineage. This custom President Woodruff condemned and delivered to the people the word of the Lord at the aforesaid April conference of the Church, saying, with elaborate preparation and explanation—

“Let every man be adopted to his father. When a man receives the endowments, adopt him to his father, not to Wilford Woodruff, or any other man outside the lineage of his fathers. This is the will of God to this people.”<sup>101</sup>

Of course the adoptions referred to could be made only to those who had themselves received the sealing ordinances while living, or if dead had received them by proxy at the hands of those whose right it was to minister in their behalf.

This instruction was gladly received by the Church and has been strictly followed since that time in all the ordinance work of the Temples.

The second matter referred to was an administrative act and relates to the monthly fast day observed by the Church. From the early days of the Church in the Territory the first Thursday in each month had been set apart as a day of fasting and prayer, the food that each family would have eaten—or its equivalent in money—had not the fast been observed, being given into the hands of the local bishops for the benefit of the poor. Recognizing the changed conditions that had come to the people since that first arrangement was made, many of the Saints now being employed in such pursuits, and under such conditions that they could no longer drop their work on a mid-week day to attend to this religious duty, the Presidency issued a formal letter of instruction to the Church directing that the First Sunday in each month be observed as the fast day, and that such readjustments be made throughout the Church as might be necessary to con-

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101. See Discourse of Wilford Woodruff, delivered at the April General Conference of the Church, 1894. *Deseret News*—Weekly—of April 21st, 1894, pp. 541-4. George Q. Cannon, following also delivered a discourse on the same subject, (*Ibid.*, pp. 544-5).



form to this new plan. Instructions were given also relative to the fast itself:

[Original note.]

“In some places the custom has arisen to consider it a fast to omit eating breakfast. This is not in accordance with the views and practice of the past. When fasts were observed in the early days, it was the rule to not partake of food from the previous day until after the meeting in the afternoon of the fast day. In making donations to the poor also it has been the understanding that the food that would be necessary for the two meals should be donated to the poor, and as much more as those who are liberally inclined and have the means may feel disposed to give.”<sup>102</sup>

In 1897 occurred the fifth, or according to the Israelitish order of things—and from which the New Dispensation receives some coloring—the “Jubilee anniversary of the arrival of the Mormon Pioneers into Salt Lake Valley,” and as an “era of good feeling” now prevailed, preparations were made and carried into effect which made the event a very notable occasion, Gentile, Jew, and Mormon entering into a generous spirit of emulation to show honor to the life, labor, sacrifices and achievements of the Utah pioneers. It was on this occasion that the Brigham Young and Pioneer Monument near the head of main street in Salt Lake City was dedicated.<sup>103</sup> The celebration continued through four days, beginning on the 20th of July, on which day President Wilford Woodruff dedicated the Brigham Young and Pioneer Monument, his prayer was written, and was read by Bishop Orson F. Whitney. These ceremonies were preceded by an imposing parade of Pioneers, and followed by a reception tendered to them in the Tabernacle; and on which occasion they were each decorated with a gold medal.<sup>104</sup>

102. *Deseret News*—Weekly—of Nov. 14, 1896.

103. The Monument is of bronze, was designed by C. E. Dallin, of Boston, a Utah-born artist, and cost \$25,000, exclusive of the pedestal, which is of Utah granite, weighing one hundred and twenty tons.

104. The medal was of solid gold, with a medallion cast of President Brigham Young in the center; to the left a Pioneer wagon, to the right a locomotive model of 1897; on the top a bee hive, and at the bottom a pony express rider. On the reverse side is inscribed the name of the Pioneer to whom the medal is presented, and the dates. The medal was the suggestion of Chairman Spencer Clawson, of the Jubilee Commission. (*Deseret News*—Weekly—of July 24th, 1897, p. 171). Six hundred and fifty such medals were made and distributed.



On the following three days there were elaborate parades illustrative of Western life, of historic and industrial development of Utah and the intermountain west,<sup>105</sup> with a special celebration for the Pioneers in the Salt Lake Tabernacle on the 24th of July. Memorial services in honor of all deceased Pioneers were held on the following day—Sunday; and with that service the great jubilee anniversary of the settlement of Utah closed.

President Woodruff was now ninety years of age;<sup>106</sup> and with the burden of years came also in these closing years of his life the burden of financial responsibilities as "Trustee-in-Trust for the Church. With the advent of statehood it was seen that new and much larger opportunities would come for developing Utah's resources, and there would be a general advancement it was hoped and believed along all the lines of material prosperity. In order to secure a full measure of this new hoped for prosperity arising from the resources of the state and their development—the development of water power, and irrigating projects; the development of mining and milling properties; the projecting, and building of railroads; in manufacturing projects, among which was the production of sugar from the sugar beet—the most successful of all these undertakings—in all these lines and others, measures were taken as was believed for the welfare of

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105. On the 21st there was a magnificent parade illustrative of Utah's advancement in fifty years. On the 22 was the Sunday school children's parade, and in the evening the gorgeous illuminated parade of "Great Salt Lake, Real and Fanciful," Main street was a solid mass of moving light, while the electrical decorations were magnificent. The night crowd was considered the greatest ever witnessed in Salt Lake City. The parade of the Counties was the distinguishing feature of the 23rd. All the counties of Utah were represented by floats, showing their resources.

Parading reached its climax on the 24th. That parade included all the features of the four previous ones, besides the Pioneers being in line. United States troops and the entire National Guard of Utah completed the line. At 8 p. m. a great display of fireworks on Capitol Hill brought the grand celebration to a close.

106. The 90th anniversary of the President's birth was celebrated by a public gathering in the Tabernacle. Following is his journal account of the event, in his own peculiar handwriting: "*March 1st, 1897*: This is my 90th birthday, and my wife Emma's 59th anniversary of her birthday. We met some 12,000 people in the Big Tabernacle who have met to celebrate our birthday which congregation is composed of all parties, creeds and denominations. I delivered the first address to the assembly followed by G. Q. Cannon, L. Snow and others. I was almost covered up with flowers and roses. At the close of the services myself and wife, Emma, took seats upon elevated chairs and shook hands with the congregation as they passed us, some 8,000 people. Of course our arms ached when we got through, but it was a great day. All the papers published our speeches and likenesses. It is very remarkable how my life has been preserved through so many years, considering what I have passed through in my day and generation."





the people. But in these undertakings the Trustee-in-Trust and those associated with him in the administration of the affairs of the Church became heavily involved by borrowing capital for these enterprises. "I don't sleep nights," President Woodruff writes in his journal of August 8th, 1894: "And am weary by day. As Trustee-in-Trust and the Presidency of the Church we have taken such a load upon us it is difficult for us to carry it." And the next day he says, "There is a heavy load resting upon us in Church affairs, our debts are very heavy." Two years later he writes, "The Presidency of the Church are so overwhelmed in financial matters it seems as though we shall never live to get through with it unless the Lord opens the way in a marvelous manner. It looks as though we shall never pay our debts."<sup>107</sup> Four months later at a priesthood meeting he represents himself as saying: "I spoke of this financial condition of the Church, explained the action of the government officials in starting our debts. I did not want to die until the Church and myself as Trustee-in-Trust are out of debt."<sup>108</sup>

The frequently expressed desire was not realized. The President's health had been failing for several years. Asthma had seriously troubled him for some time. Occasional visits to the Pacific coast had brought temporary relief, but no permanent benefit. Seeking again such relief, in the autumn of 1898, he went to San Francisco, and on the 2nd of September, 1898, died there at the home of Mr. Isaac Trumbo. The remains were brought to Salt Lake City by a special train, tendered free by the Rio Grande Western railroad.<sup>109</sup> His burial was attended by processional honors and a public service in the Tabernacle, which was crowded by all classes of citizens; for the beautiful simplicity of his life and character endeared President

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107. Woodruff's Journal, *Ms.*, entry for Dec. 30th, 1896.

108. Woodruff's Journal, *Ms.*, entry of April 7th, 1897.

109. In making this courteous tender of train service, Mr. F. A. Wadleigh, the general passenger agent of the company said—and it feelingly expressed a very general opinion held in regard to President Woodruff: "In tendering this slight accommodation we express to the Church officials our sympathy with them in the great loss to the Church and the world at large of one who has so thoroughly commanded the respect and fidelity of those who were fortunate in knowing him." *Deseret News*, Vol. 57, p. 399. The Union Pacific Railroad and the Oregon Shortline officials likewise made a tender of any service they could render.

# THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. From the first settlers to the present day, the nation has evolved through various stages of development. The early years were marked by exploration and settlement, followed by a period of rapid expansion and industrialization. The American Revolution and the Civil War were pivotal moments in the nation's history, shaping its identity and values. The 20th century brought significant social and political changes, including the rise of the American Dream and the challenges of the Cold War. Today, the United States continues to grow and adapt to a rapidly changing world.

CHAPTER I

The first chapter of the history of the United States is the story of the early settlers. These brave men and women came to a new land, facing many hardships and challenges. They established small communities and began to build a life in a new world. Over time, these settlements grew into larger towns and cities, and the nation began to take shape. The early settlers played a crucial role in the development of the United States, laying the foundation for the nation's future.

Woodruff to all equally.<sup>110</sup> Beyond the brief biographical note of the margin it is not necessary to enlarge upon the account of his life as it has been identified with nearly all the principal events in the history of the Church since he became identified with it in 1834.<sup>111</sup> Brigham Young, Orson Pratt, Erastus Snow and Wilford Woodruff will stand as the four greatest pioneers of the Inter-mountain west.

As Church Historian President Woodruff rendered a most important service to the Church. His journals regularly and methodically and neatly kept and strongly bound, extending as they do from 1834 to April 18th, 1897, (with some scattering notes through the remainder of 1897 and the year 1898—when he was in his ninety-second year)—a period of sixty-three years—constitute an original documentary historical treasure which is priceless. The Church is indebted to these journals for a reliable record of discourses and sayings of the Prophet of the New Dispensation—Joseph Smith—which but for them would have been lost forever. The same is true as to the discourses and sayings of Brigham Young, and other leading Elders of the Church; while for minutes of important council meetings, decisions, judgments, policies, and many official actions of a

110. "He possessed the confidence and esteem, not only of the Latter-day Saints, but of all classes of people who differed with him in faith, but who had become acquainted with his sterling honesty and integrity, simplicity of manners, unostentatious life and faithful adherence to his sincere convictions. He was one of the remarkable figures in the closing scenes of the most remarkable century in the history of the world." *Deseret News—Weekly*—Sept. 10, 1898, p. 401—Editorial.

111. The *Deseret News* in announcing the death of the President, gave the following brief biographical sketch of his life: "Wilford Woodruff was the fourth President of the Church of Jesus Christ of Latter-day Saints. He was born at Farmington (now Avon), Hartford Co., Connecticut, March 1, 1807. He was the third son of Aphek and Beulah Thompson Woodruff. From his early youth, and in the midst of a busy life, he meditated on religious subjects. On December 20, 1833, he first heard the Gospel from the lips of Elders Zera Pulsipher and Elijah Cheney. To hear the truth was, with him, to believe it, and on January 1, 1834, he received baptism. The following April he went to Kirtland, and became acquainted with Joseph the Prophet."

And as stated in the text, his life, travels, labors and adventures have been interwoven with the events of the Church history. From his journals he himself made a summary of the miles traveled, letters received and answered, discourses delivered, etc. From this summary we are able to present the following facts: From the beginning of his ministry in 1834 and to the close of the year 1895, he had traveled 172,369 miles; held 7,655 meetings; preached 3,362 discourses; organized 51 branches of the Church, and 77 preaching places. He traveled in England, Scotland, and Wales, and in 23 states and 5 Territories in the Union." (*Deseret News—Weekly*—1898. In the same number of the *News* will be found the funeral services complete.



private nature, without which the writer of history may not be able to get right view points on many things—in all these respects these journals of President Woodruff are invaluable. Other men may found hospitals or temples or schools for the Church, or endow special divisions or chairs of learning in them; or they may make consecrations of lands and other property to the Church, but in point of important service, and in placing the Church under permanent obligations, no one will surpass in excellence and permanence or largeness the service which Wilford Woodruff has given to the Church of Jesus Christ in the New Dispensation, by writing and preserving the beautiful and splendid journals he kept through sixty-three eventful years—so far do the things of mind surpass material things. The journals should be given a special place in the archives of the Church.

## CHAPTER CXXIII

THE ADMINISTRATION OF PRESIDENT LORENZO SNOW—FINANCIAL PROBLEMS—THE LAW OF TITHING—THE ROBERTS CASE IN CONGRESS—THE RAWLINS SENATE RESOLUTION—PRESIDENT SNOW ON THE MISSION OF THE APOSTLES—DEATH OF PRESIDENT SNOW

PRESIDENT SMITH'S ADMINISTRATION—REORGANIZATION OF THE FIRST PRESIDENCY—THE ELECTION OF REED SMOOT AS UNITED STATES SENATOR FROM UTAH—THE SMOOT HEARINGS BEFORE THE SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS—ACTION OF THE SENATE ON THE SMOOT CASE—ATTITUDE OF PRESIDENT ROOSEVELT ON THE SMOOT CASE—THE RISE AND COLLAPSE OF THE "AMERICAN PARTY"—THE MAGAZINE CAMPAIGN AGAINST THE CHURCH—RESIGNATION OF APOSTLES TAYLOR AND COWLEY—THE CHURCH'S ADDRESS TO THE WORLD—CHANGES IN PRESIDING COUNCILS—PRESENT STATUS OF THE CHURCH—CLOSING REFLECTIONS

A short time before his death President Woodruff announced to his immediate associates in the administration of Church affairs, that "it was not the will of the Lord that in the future there should be a lengthy period elapse between the death of the





President of the Church and the reorganization of the First Presidency."<sup>1</sup> Accordingly, and having this instruction in mind, on the 13th of September, 1898—eleven days after the demise of President Woodruff—Lorenzo Snow, the President of the quorum of the Apostles, was chosen President of the Church, at a special meeting of the Apostles. Present at the meeting, held in Salt Lake City, and participating in the event were the following Brethren:—Lorenzo Snow, Franklin D. Richards, Geo. Q. Cannon, Joseph F. Smith, Brigham Young, Francis M. Lyman, John H. Smith, Geo. Teasdale, Heber J. Grant, John W. Taylor, Marriner W. Merrill, Anthon H. Lund, Matthias F. Cowley and Abraham O. Woodruff.

The full quorum of the Apostles and the two counselors of the late President, who, as usual when they have previously been members of the council of the Twelve, took their places in that quorum, which brought the fourteen apostles present in the order given above. President Snow chose the two counselors of the late President to be his counselors—Geo. Q. Cannon and Joseph F. Smith. Franklin D. Richards, by virtue of seniority of standing in the council of the Apostles, became the President of that council. In all that was done the brethren were unanimous.<sup>2</sup> President Snow was also chosen Trustee-in-Trust of the Church, and indeed the necessity of having a Trustee-in-Trust immediately appointed, in view of the unsettled financial affairs of the Church, was a factor in hastening the reorganization of the First Presidency as well as the announcement of the will of the Lord on the subject by President Woodruff.<sup>3</sup>

The organization thus effected by the apostles in council was sustained by a general assembly of the several quorums of the priesthood at the October conference following, and by unanimous vote of the entire conference, representing the whole

1. Editorial in *Juvenile Instructor*, Nov. 1st, 1901, p. 660.

2. The official announcement of these several actions was made by the Secretary of the First Presidency and published in *Deseret News—Weekly*—of Sept. 17, 1898, p. 425.

3. *Ibid.*, and in connection therewith c. f. *Juvenile Instructor*; Editorial of Nov. 1st, 1901, p. 660; and also remarks of Pres. Joseph F. Smith at a special conference of the Church Nov. 10th, 1901, p. 787. Lorenzo Snow was appointed Trustee-in-Trust, even before the organization of the First Presidency.



Church. The one vacancy created in the council of the Twelve by the selection of Lorenzo Snow for President and Geo. Q. Cannon and Joseph F. Smith returning to the council of the First Presidency, was filled by the selection of Elder Rudger Clawson, President of Box Elder Stake of Zion, and the companion, it will be remembered, of Joseph Standing in the martyrdom of that faithful elder in the state of Georgia, in 1879.<sup>4</sup>

President Snow's administration fell heir to the financial perplexities and problems of the one that preceded it. He met the difficulties by issuing bonds to the amount of \$500,000, to run for a period of eleven years, and bearing interest at the rate of 6 per centum per annum. And urged that the residents of Utah should purchase them.

A number of the financial enterprises undertaken by the previous administration he abandoned, more especially some mining and milling ventures, and railroad enterprises. Concurrently with these movements, President Snow urged upon the Church the law of tithing as given in 1838, in Far West Missouri, requiring the payment of one-tenth of all the interest or increase annually, of the membership of the Church, to supply a revenue for the Church to enable it to meet its obligations, and carry on its work.<sup>5</sup> There had been for some time a great neglect of duty on the part of the Saints in respect of this law of tithing, but President Snow turned to it as the one means for the financial deliverance of the Church. This reform he inaugurated in the spring of 1899, at St. George, while on a preaching tour with a large party accompanying him through southern Utah. As the journey was made northward from St. George, everywhere the subject of tithing was the theme. Ar-

4. The following day, Oct. 10th, Elder Clawson was ordained to the Apostleship by President Lorenzo Snow. The vote of the conference ratifying the action of the apostles in re-organizing the First Presidency took place on the 9th of October. (See Minutes of the Conference in *Deseret News*—Weekly—of Oct. 15, 1898).

5. Doc. & Cov., sec. 119. It was through observance of this law that Zion was to be redeemed and it was to be "a standing law unto them (i. e. members of the Church) forever" (ves. 4). "Verily I say unto you, it shall come to pass, that all those who gather unto the land of Zion shall be tithed of their surplus properties, and shall observe this law, or they shall not be found worthy to abide among you.

"And I say unto you, if my people observe not this law, to keep it holy, and by this law sanctify the land of Zion unto me, that my statutes and my judgments may be kept thereon, that it may be most holy, behold, verily I say unto you, it shall not be a land of Zion unto you;

"And this shall be an example unto all the Stakes of Zion. Even so. Amen."



living in Salt Lake City in the last days of May, the President found the Young Men's and Young Women's Mutual Improvement Associations of the Church engaged in holding their annual conference. This conference the President utilized for getting the subjects of tithing before the young people of the Church. At the officers' meeting of the Young Men's Associations, in the afternoon of the 30th of May, President Snow delivered an impressive discourse upon the subject which the young men, and there were representatives from nearly every stake in Zion, by resolution accepted as the word of the Lord to them, which they promised to accept and obey themselves, and would do all in their power to get the whole membership of the Church to do likewise.<sup>6</sup>

Subsequently a great fast meeting and solemn assembly of the priesthood of the Church was called in the Salt Lake Temple, viz, on the 2nd of July. All the general authorities of the Church—twenty-six in number—were present;<sup>7</sup> all of the forty stakes, the number then in existence, 478 wards, and all of the auxiliary organizations were represented. The total number brought together and fasting, were 623. "Just such another gathering," said the chronicle of the event, "was never before held in the Church."<sup>8</sup> The subject of tithing was presented to the meeting much as it had been in the conference of the Young

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6. The event was very impressive and dramatic. The minutes of the conference present it as follows:

At the conclusion of President Snow's address the following resolution was presented:

"Resolved: That we accept the doctrine of tithing, as now presented by President Snow, as the present word and will of the Lord unto us, and we do accept it with all our hearts; we will ourselves observe it, and we will do all in our power to get the Latter-day Saints to do likewise."

The resolution was unanimously adopted by all present rising to their feet and shouting "Aye."

Apostle Francis M. Lyman then arose and said: "President Snow: I believe this body of men are about as clear upon this law and have about as faithfully met the obligations in regard to tithing as any body of men in the Church. It is a splendid thing, brethren, for us to be always in shape to accept the will of the Lord when it comes."

Visibly affected, the President then arose and said: "Brethren, the God of our fathers, Abraham, Isaac and Jacob bless you. Every man who is here, who has made this promise, will be saved in the Celestial Kingdom. God bless you. Amen." (*Improvement Era*, Vol. II, p. 795).

7. Three of the First Presidency. The Twelve Apostles, the Presiding Patriarch, the Seven Presidents of the First Council of Seventy—and the general Presidency of all the Seventies—and the presiding Bishopric of the Church—the Bishop and his two counselors.

8. *Improvement Era*, Vol. II, p. 800.





Men's Improvement Associations, and the resolution then passed was accepted by this solemn assembly, as the word and will of the Lord, through President Snow to the Church; and since those days the law of tithing has been reasonably well lived up to by the people. President Snow did not live long enough to see the full fruition of this movement he inaugurated, but he did live long enough to see that the Church was on the way to its emancipation from the great amount of debt with which it had become burdened during the previous administration, for the reasons already given.

Another important act of President Snow's administration was the resumption of the control of the *Deseret News* by the Church, on the 1st of January, 1899. In October, 1892, in all its forms—daily, semi-weekly, and weekly—the News had been leased to George Q. Cannon Sons, who published it as the "Deseret News Publishing Company, Lessees."<sup>9</sup> Though going into this private company's hands *The News* continued to be "The Church Organ,"<sup>10</sup> that is to say, it was the *medium* through which the Church administration—the First Presidency—continued to disseminate the official communications to the Church, the only sense in which there has ever been a periodical recognized as a Church organ by the Church or its authorities.

In resuming immediate control of the *News* by the Church, the general business management of it was placed in the hands of Mr. Horace G. Whitney, a successful young business man of Salt Lake City, a descendant of the Whitney family of early Church history fame. Under his management—and it continues to this day (1915)—the *Deseret News* has been financially successful beyond all precedent in its history; and is one of the most influential news journals of the Intermountain West. At the same time Elder Charles W. Penrose was re-instated as Editor-in-chief. I say re-instated, because when the News was leased by the Cannon publishing house, Elder Penrose retired from the editorship which he had long and uninterruptedly held—twelve years.<sup>10½</sup> Under the second appointment he served sev-

9. *Deseret News*—Weekly—of Oct. 8th, 1892, pp. 484 and 489.

10. *Ibid.*, p. 582, signed communication by the first Presidency.

10½. See his valedictory editorial in *Deseret News*—Weekly—of Oct. 8th, 1892. Elder Penrose had been previous to this associate editor for several years.



en years—until 1906; and undoubtedly his editorial ability arising both from natural endowment and ripe experience in journalism contributed greatly to the permanent success of this greatest periodical published by the Church.

During the first year of President Snow's administration occurred a very remarkable arousement of public sentiment against what was called a reversion to polygamy, and polygamous practices in the Church in Utah. Early in the summer of 1898—May and June—there appeared a series of articles in "The Kinsman," a sectarian sheet published in Salt Lake City. Under the title "polygamy and Inspired Lies," making these charges. The articles were written by one A. T. Shroeder,<sup>11</sup> a lawyer of leisure, in Salt Lake City. Utah correspondents to Eastern papers also made the same charges;<sup>12</sup> and the question began to be much discussed, together with the charge that the

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Here it is fitting that some word should be said of this man's work as a journalist. After being re-instated as Editor-in-chief in 1899, Elder Penrose continued to hold the position until called to preside over the European Mission, in 1906—a period of seven years; which, with the twelve years of previous service added, make up nineteen years of service as Editor-in-chief of the *Deseret News*. Editorial work is of that impersonal character which practically precludes recognition of the editor's daily contributions to the literature of the period. He is no longer recognized as an individual in his work, his personality is submerged in that of his journal. "He" becomes the "We" of the editorial page. The period of Elder Penrose's Editorial service, covers great epochal changes in the history of the Church. Through those years he stood constantly on the firing line between the Church and the world. Daily he was upon duty in advocacy of the truth for which the Church stood—for the divinity of her origin and her mission; the holiness and affectiveness of her rites and ceremonies; the indwelling power of God in her doctrines and institutions; he instructed, warned, and corrected her membership; he kept the daily historical record straight; he defended the Church against the assaults of the world, meeting all comers with the force of logic, with the truth of the scriptures. He contended with equal success for the rights of an American community to local self government, under the Constitution of the United States, and yielded no ground to the opposition who sought to dispossess the citizens of Utah of their political heritage of freedom under the law. Blessed with a keen intuition of the truth of things, and a clear, direct, and forceful literary style, he made the editorial pages of the *Deseret News* pleasing as well as instructive in all the variety of subject matter of which they treated; while the intelligent advocacy of the truth, and the defense of both the faith and the Saints, makes the *News* through those eventful years a valuable source of intelligent commentary on the developing doctrines of the Church, and upon the current events of the period. Elder Penrose was made a member of the council of the Twelve Apostles July 7th, 1904; and was chosen to be second counselor in the First Presidency, December 11th, 1911, a position he still holds (1915); President Penrose is a native of Camberwell, London, England, and was born Feb. 4th, 1832.

11. See reply thereto by Charles Ellis, under date of June 10th, 1898, *Deseret News*—Weekly—of July 2nd, 1898.

12. See Rev. John T. Nutting to the *Florida Philosopher* under date of August 4th, 1898. He states that "polygamy is practiced with renewed vigor in Utah." *Deseret News*—Weekly—of Aug. 20.



Church had resumed political control of the Mormon people, and was interfering in the political affairs of the state. The discussion of the subject through the early summer months culminated in Utah in the Presbytery of the Presbyterian Church of the state in its semi-annual meeting, held in Manti on the 29th of August, formulating and sending broadcast through the country the charges referred to above, which was the beginning of a nationwide discussion of "alleged" "Mormon perfidy."

In mid-September the Democratic state convention held in Salt Lake City nominated Brigham H. Roberts for representative to congress. It was matter of common knowledge that Mr. Roberts was involved in the Mormon Church institution of plural marriage; for he had been forced into exile during the polygamy crusade of 1886-1888, when the segregation policy was in vogue, and had returned to Utah and served a term of imprisonment for violation of the Edmunds law. Notwithstanding this he was elected, without objection, a member of the state Constitutional convention in 1894, and at its close, also without objection, or the subject of his marital relations even being raised—became the Democratic Party's nominee for congress in the election of 1895, and led all the Democratic candidates in the number of votes cast.<sup>13</sup> In the canvass of 1898, however, his marital relations were made the point of bitter and continuous attack upon him by sectarian ministers and the Republican press, to which, however, he refused to make reply, deeming the constitutional convention settlement of that subject, then so recent and of common knowledge, that it did not even require re-statement. Notwithstanding the bitterness of this attack upon him on account of being involved in the plural marriage institution of his Church Mr. Roberts was elected by a plurality of 5,665; and one of the peculiar and admitted things about the election is that—and without ulterior motives—his election was due to non-Mormon votes.<sup>14</sup> It was thought that this decisive victory at

13. The candidate for Governor, Hon. John T. Caine, was defeated by 2,300; Mr. Roberts by only 897 votes, leading his ticket on an average of about 1,400 votes.

14. In his second speech upon the floor of the house of representatives in explanation of his attitude in Utah upon the attack made upon him because of his plural marriage relations—Mr. Roberts said: "I made no answer, except that about twice or three times at most I said to the people whom I addressed during the campaign: 'These charges are made against me, but you know me; you know





the polls in Utah would close the opposition, and that acquiescence in the expressed will of the people of the state would follow. This was not the case. On the contrary a convention of Salt Lake sectarian ministers, twenty-four in number, met on the 6th of December, 1898, formulated and adopted an address making an appeal to the people of the United States to join them in a strong protest to congress against the admission of the member-elect from Utah on the ground that his election had been in "violation of the covenant made between the Mormon leaders and the government when Utah was admitted to statehood."<sup>15</sup>

the conditions that have prevailed here in Utah. You know all about the circumstances. I have been in public life before you for some twenty years. I am not driven to the necessity at this late day of undertaking to defend my moral character. I refer the question to you for an answer. You shall answer these charges." And they answered them by rolling up a plurality of 5,665 votes for the member from Utah out of a total vote of 67,805.

"And here let me say, that that plurality was not given by the Mormon people. You make a mistake if you suppose that I am here the representative of the Mormon Church and that it was the Mormon vote that sent me here as against the protesting gentile vote of the State. I call your attention to the figures and to some local facts that are very interesting in regard to his question. I carried every gentile stronghold in the State of Utah. Take, for instance, Salt Lake City, Ogden, and the mining camps of Utah. They are all known to be non-Mormon strongholds. Roberts carried Salt Lake City by 6,195 votes as against 4,564 for the Republican candidate, and 1,165 for the Populist, making a plurality in that city of 1,631. Ogden was carried by Roberts by 2,122 votes, as against 1,492 for the Republican candidate, and 400 for the Populist, a plurality of 533 in Ogden. Consideration of the votes in the mining-camp counties is also of interest. First take Tooele County, in which Mercur, Utah's great gold-mining camp is located. In Tooele City; almost exclusively Mormon, the Republican candidate received 237 votes, while the Democratic candidate the supposed Mormon candidate received but 213. At Grantsville, with an almost exclusively Mormon population, the Republican candidate received 171 votes, while the Democratic candidate received but 157. But in the two districts of Mercur, a mining camp, and almost exclusively non-Mormon, the Democratic candidate received 243 votes and the Republican candidate but 203.

So it goes through the State, losing almost every Mormon stronghold, but sweeping every non-Mormon stronghold. And I stand here to-day elected by the Gentile votes of Utah, rather than by the Mormon votes, and that, too, as reported here by your committee."

15. The document complete will be found in Salt Lake *Herald* of Dec. 7th, 1898. A reply was written to the Ministerial Association's address by Elder C. W. Penrose denying the charges made, and showing the deductions and conclusions to be absurd (See *Deseret Evening News* of Sept. 3rd, 1899).

A denial of these charges was telegraphed to the N. Y. *World* over the signature of President Snow, except as to cases of polygamous living, in relations that had been formed previous to the manifesto of 1890. President Snow also denied that the Church had any interest in the nomination, election or seating of Mr. Roberts, that all this was a secular affair. "Non-Mormons," said President Snow, "participated in his nomination in the regular convention of his party. Non-Mormons also aided in his election. Many Mormons not being of his party, voted for his opponent. He was not a Church candidate in any sense of the word. The Church had no candidate. He was elected as an American citizen by American citizens and the question of religion did not enter into the purely political contest." (New York *World*, of Dec. 30, 1898).



The agitation continued throughout the year between the election and the opening of the congress to which the representative was elected, with the result that when presenting himself to be sworn as a member, a petition with more than 7,000,000 signatures had reached the house of representatives, praying for his exclusion.<sup>16</sup> Mr. Robert W. Taylor of Ohio, when the member from Utah was called to the bar of the house, rose in his place and on his own responsibility charged that the representative elect from Utah was ineligible to a seat in the house of representatives, that ineligibility being evidenced, as the member from Ohio alleged, by public records, affidavits, and papers. He therefore moved—

“That the question of the *prima facie* right of Brigham H. Roberts to be sworn in as a Representative from the State of Utah in the Fifty-sixth Congress, as well as of his final right to a seat therein as such Representative, be referred to a special committee of nine members of the House, to be appointed by the Speaker; and until such committee shall report upon and the House decide such question and right, the said Brigham H. Roberts shall not be sworn in or be permitted to occupy a seat in this House; and said committee shall have power to send for

16. Formally presented to the House by Mr. Taylor of Ohio, Congressional Record of Dec. 4th, 1899. House Proceedings.

The following statement concerning the character of this “Monster petition” was made by Mr. Roberts in his first speech upon the floor of the house in his own defense.

“One word in relation to the petition of 7,000,000 people that has been rolled up here. I say to the gentleman from Ohio that it would be exceedingly interesting to know how many of these signatures were collected in the Sunday schools.

“Mr. Fox. Will the gentleman yield to a question?

“The Speaker. Does the gentleman yield?

“Mr. Roberts of Utah. I decline to yield. It would be interesting to know, furthermore, how many of the signatures are repetitions, because I find this in an official letter of the National Anti-Polygamy League, sent out throughout the country, from which I read—an official letter, signed by the secretary, Grace J. Cutler. The party to whom this letter is addressed is asked to secure the signatures of 2,000 people to the anti-Roberts petition:

“Get the young people to sign, too, and aid you in securing signatures. It is not necessary that only adults have representation on the petition. A few young ladies could in a very short time secure the necessary 2,000 names if you would interest them in this great moral work. No matter if your friends have signed other Roberts petitions, request them to sign again, as it is absolutely necessary to have one monster national petition large enough to make the members of Congress realize instantly the public demand that Roberts be cast out.

“And yet, having collected such a petition as that, and by such methods, you come here and propose to stop a Representative of a sovereign State from taking the oath of office! Do you think that will not establish a precedent that will bring chaos sometime on the floor of this House?” (Congressional Record, December 5th, House Proceedings, p. 48).



persons and papers and examine witnesses on oath in relation to the subject-matter of this resolution."<sup>17</sup>

On this action the representative from Utah was not permitted to be sworn in; and the following day after three hours debate the house voted to appoint the committee and follow the course of action outlined in Mr. Tyler's resolution.<sup>18</sup> After exhaustive investigation and discussion of the subject through six weeks the matter was finally reported to the house. Seven of the committee reported in favor of excluding the member from Utah, which could be determined by a majority vote of the house; the other two, Mr. C. E. Littlefield of Maine, and Mr. David A. De Armond of Missouri, presented "Views of the Minority" which favored admission of the Utah member—on constitutional grounds—and then expulsion, which would require a two-thirds vote of the house to accomplish. For three days the question was debated, with the result that on a vote being taken 244 voted for exclusion, and 50 against it, 36 not voting.

The question of the right of congress to take such summary and arbitrary action as this was gravely doubted by many in congress, and by more outside of it; but consideration of the constitutional questions as to the rights of the house to so proceed are too involved to be considered here.<sup>19</sup> As to the merits of the case considered in themselves the action was based upon

17. Congressional Record, 56th Congress, house proceedings of Dec. 4th, 1899.

18. The Committee consisted of the following gentlemen—Mr. Taylor, Ohio, chairman; Mr. Landis, Indiana; Mr. Morris, Minnesota; Mr. Freer, West Virginia; Mr. Littlefield, Maine; Mr. McPherson, Iowa; Mr. De Armond, Missouri; Mr. Lanham, Texas; Mr. Miers, Indiana. The vote on this question was as follows: yeas, 304; nays 31; not voting, 19. Congressional Record for Dec. 5th, 1899, p. 52.

19. See the very able and exhaustive paper prepared by Messrs Littlefield and De Armond, of the special committee in the Roberts case in the Committee Report under the caption "Views of the Minority," House Report 85, part 2, 1st Sess. 56th Cong., pp. 53-77. Also speeches of Mr. Littlefield, Congressional Record of 23rd January, 1900; speech also of De Armond, Congressional Record of 25th January, 1900. Together with a great amount of commentary in the press of the country during the months through which the case was before Congress—Dec. 4th, 1899—1900. Of course the arguments and authorities of the Committee's Report will be found in that Report (56th Cong., 1st Sess., Rept. 85, pt. 1); and in the speeches of Mr. Taylor, of Dec. 4th and 5th, 1899 and Jan. 23rd and 25th, 1900. Also the speeches of Mr. Lanham, of Texas, Mr. Powers, of Vermont, Mr. McPherson, of Iowa, Mr. Miers, of Indiana and a number of others whose speeches occur in the Congressional Record between the dates of 23rd, and the 30th of the same month, of 1900, and also Editorials of the daily press and other periodicals throughout the country during December and January, 1899-1900.





a false issue. The case presented by the Ministerial association, on which they made their appeal to "the people of the United States" was that by the election of one so related to the Mormon marriage system as was Mr. Roberts there had been a violation of the covenant made between Mormon leaders and the government when Utah was admitted to statehood. And therefore to admit Mr. Roberts would be to put the seal of government approval upon this flagrant breach of faith and honor.<sup>19½</sup> To make that assertion good, warrant must be found for it in what the people of the United States through their representatives in Congress demanded of the people of Utah as a condition precedent to statehood; and that requirement, and the only one in regard to polygamy, is stated in these terms:

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19½. Utah Ministerial Association Address, S. L. *Herald*, Dec. 7th, 1898. Relative to putting the government's seal of approval upon this alleged breach of faith and honor, the Utah member in a N. Y. *Times* article answered:

"In the name of all that is consistent, I would like to know how the Mormon people could hope to base a revival of the practice of plural marriage—even if they had the disposition to do so—on the fact of the Representative from Utah taking and retaining his seat in the house. Does the house of representatives endorse the individual views of all the men it admits to membership? If Socialists should from some congressional district elect a congressman, would his admission to the house say to the world that the American Congress indorsed socialism? Surely my enemies give the Mormon people and even Congress little credit for common sense when they trump up such a charge as this." (New York *Times* of Nov. 19, 1899). Also Smoot Hearing, Vol. I, 2nd Washington *Post* of Nov. 29, 1899. Mr. C. E. Littlefield in discussing the "compact" or "understanding," alleged in the Special Committees majority report to exist between the government of the United States and the Territory of Utah about statehood, said: "The ingenuity of the majority is not yet exhausted. They say: His election as a representative is an explicit and offensive violation of the understanding by which Utah was admitted as a state. I would like to inquire of the majority where they find the authority for the proposition that the United States Government can go into the question of an 'understanding' that existed before a state was admitted into this Union, and then, having found it, exercise this domiciliary, supervisory, disciplinary power over the State. Where does it exist? What is it indicated by? Is it oral? They do not undertake to suggest it is in the enabling act, although they refer to it. But is it an oral 'understanding' that exists between the states by reason of this 'general welfare' power? I assume that they invoke it under this 'general welfare' proposition. Think of it! An 'understanding' which is based on what? A compact or a contract? I had supposed it was too late at this stage of the history of the Republic, in these times of peace, to invoke the proposition of a contract, existing between the States and the General Government.

I knew that the theory of a contract was the parent of the infamous heresay of secession, and I have believed that it was wiped out in blood from 1861 to 1865. More than 500,000 of the best, truest, most heroic, and bravest men that ever met on the field of battle—the blue and the gray, brethren all—rendered up their lives that that infamous proposition should be blotted out, and blotted out forever. Let the dead past bury its dead. I submit that under these circumstances it ill becomes this House to undertake, in the interest, if you please, of civilization, to invoke anew the proposition of a contract existing between a State and the United States." (Congressional Record, 56th Cong. of Jan. 23rd, 1900).



“And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said state—

First—That perfect toleration of religious sentiment shall be secured and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; provided, That polygamous or plural marriages are forever prohibited.”

It did not go to polygamous living growing out of relationships formed previous to the Woodruff Manifesto of 1890, or of statehood, nor did it require a pledge should be given that no polygamist should ever be elected or appointed to office. Commenting on the charge that Utah had broken faith with the United States, in the election of a polygamist to office, Mr. Rawlins, at the time United States Senator from Utah, said at Washington, about the time of the opening of congress—

“It is claimed that the Mormon Church by deceit and fraud brought about the admission of Utah into the Union, so that behind Statehood lines polygamy might be practiced with impunity. I was delegate from Utah in the House at the time of her admission, introduced the bill under which she became a State, and spoke in the House in favor of its passage. Most of the Mormon leaders had opposed my election as delegate, and afterward, until the passage of the Statehood bill, I had no communication with them either directly or indirectly upon that subject.

“The Mormon Church did not speak or act through me. Of course I referred to their public acts and declarations on the subject of polygamy and told the House I did not believe that practice would be revived, and if I did so believe, I would not advocate Utah’s admission into the Union.

“The compact between the State of Utah at the time of her admission and the United States that polygamous marriages should be forbidden was to be irrevocable, without the consent of the United States and the people of the state. Utah, both in her constitution and statutes, has provided for the punishment of polygamy and all kindred offenses. No complaint has been made, or can truthfully be made that these laws are not enforced.

“All the members of the Supreme Court and seven out of the nine district judges in the state are non-Mormons, and it is safe to say that the entire judiciary stand ready to enforce these laws. The public prosecutors are mostly non-Mormons, and all.



I believe, anti-polygamists. 'During the past year the state has been raked in search of cases of polygamy with which to feed this new modern sensation, but no complaint has been presented against any man charging him with this offense.' Some cases of 'unlawful cohabitation' have been prosecuted and punished. So far Utah has sacredly kept the compact."

Not only is it a fact that there was no agreement entered into between the church leaders and the government of the United States, respecting the non-election or non-appointment of polygamists to office, or upon any other question, but any such covenant or compact would have been out of all harmony with the relationship of the federal government to religious organizations—which it recognizes not at all, but deals solely with the people as citizens or with the states and Territories.

Mr. Rawlins in a carefully prepared interview for the Washington Post of November the 29th, 1899, before the opening of the 56th Congress, announced his intention to introduce into the senate of the United States the following resolution in respect to an inquiry into alleged polygamy in Utah and the appointment and election of polygamist to office in that state; for, he charged in his interview, that if the people of Utah had violated any "understanding" or "compact" respecting polygamy and the admission of Utah into the Union by the election of a polygamist to congress, then the federal administration had also violated said "understanding" and "compact" by appointing a number of polygamists to federal offices in Utah. Following is the resolution:

"Be it resolved by the Senate of the United States that the Committee on judiciary is hereby instructed to inquire into and report to the Senate.

First—To what extent polygamy is practised or polygamous marriages entered into in the United States or in places over which they have jurisdiction.

Second—Have polygamists, or persons reputed to have more than one wife, been elected to office by the people of Utah, and if so, has such election been for the purpose of encouraging polygamy or in violation of any compact between said state and the United States.

Third—Have polygamists, or persons reputed to have more than one wife, been appointed to office by the President, by and





with the advice and consent of the senate, or in cases where the concurrence of the senate is not required, and if so have such appointments been made in aid of polygamy or in violation of the compact between the United States and the state of Utah with reference to that subject?

Fourth—What, if any, steps should be taken or measures enacted for the prevention of polygamy in the United States and in places over which they have jurisdiction.”<sup>20</sup> etc.

Mr. Rawlins contended of course that there was no “compact” except the demand that the Utah constitution should prohibit future polygamous marriages as already quoted from this interview in preceding pages. Then he proceeds:

“But it is charged that the people of Utah have elected polygamists, or persons in that status, to office. This is true in some instances and it is equally true that the United States, acting by the President with the consent of the Senate has appointed polygamists to office and under such appointments for almost three years these polygamists have held and are now holding important federal offices in the state of Utah.”

“If this be a violation of the compact, both parties have violated it, the President on the one hand and the electors of the state on the other. No more have the people of Utah than the President sought to cram polygamy down the throat of the nation or the state. *Such a motive cannot be justly ascribed to either.*

“That polygamists should be disqualified to vote or to hold office was no part of the compact between the State of Utah and the United States. In territorial elections polygamists were so disqualified. *But congress purposely and knowingly wiped away all such disqualifications as to the very first election to be held under the enabling act*, namely, the election of delegates to the constitutional convention. If persons who happened to be in the status of polygamy have been elected by the people of Utah, or appointed by the President to office, it has been for other reasons, personal or political, and not to lend countenance or aid to that practice.

“Further accession to the ranks of polygamy being rigidly forbidden, and out of the question, it has not been thought necessary, or quite in the line of charity to keep a class otherwise reputable under perpetual civil or political disability.”

20. The resolutions appear with the Interview in the *Washington Post* of Nov. 29, 1898. Mr. Rawlins introduced said resolution and had it read from the clerk's desk in the senate on the 6th of Dec., and it was referred to the Committee on Judiciary Congressional Record, 56th Congress, p. 98.



The charge that the Republican administration had appointed polygamists to office, with all the consequences stated above by Mr. Rawlins, and one other—namely, that the administration had set the example in the matter—was dramatically challenged by Mr. Grosvenor of Ohio; but notwithstanding the challenge of the fact it was true that the McKinley administration, with the consent of the U. S. senate, had made such appointments, and that, too, with the knowledge at least by the President and the senate committee on post offices and post roads, that they were living in polygamous relations. In addition to the statement of Mr. Rawlins already quoted from his *Washington Post* interview, Mr. Rawlins wrote and handed to the representative from Utah the following autograph letter now in his possession:

“UNITED STATES SENATE.

WASHINGTON, D. C., Dec. 15, 1899.

Hon. B. H. Roberts,

DEAR SIR: In relation to the appointments of John C. Graham as postmaster at Provo and Orson Smith as postmaster at Logan, I remember it was stated in the public press of Utah that protests against these men had been signed and forwarded to the President charging them with living in polygamy, that these men were generally reputed to be polygamists. That afterwards the names of these men were sent to the senate by the President. That while the matter of their confirmation was pending in the senate I was informed by my colleague, Senator Cannon, that affidavits charging them with living in polygamy had been presented to the President, and laid before the Committee of the Senate on Post Offices and Post Boards.

Respectfully,

J. L. RAWLINS.”<sup>21</sup>

In addition to this evidence there was much more presented in the remarks of the Utah representative, and is to be found in his first speech in the house in his own defense. And was later further evidenced in the fact that several of the federal office holders named in the discussion were removed from the

21. See Rawlin's *Washington Post* Interview, of Nov. 29, 1899. Thirty-one of the 107 members of the Utah Constitutional Convention, were in the status of polygamy, and were elected and served without protest from any quarter. See tabulation of the convention in respect to this matter in *Proceedings in the Smoot Case*, Vol. LV, pp. 136-7.



federal positions to which they had been appointed, but unjustly so, because there was no pledge asked and none given that men in their status as to polygamous living would neither be appointed, nor elected to office; and as Senator Rawlins, the author of Utah's enabling act, explains and as already quoted:

*"That polygamists should be disqualified to vote or to hold office was no part of the compact between the State of Utah and the United States. In Territorial elections polygamists were so disqualified. But Congress purposely and knowingly wiped away all such disqualifications as to the very first election to be held under the enabling act, namely, the election of delegates to the constitutional convention."*

Only one thing more in President Snow's administration remains to be mentioned. In a previous chapter attention was called to Lorenzo Snow's world-embracing grasp of things with reference to the largeness and mightiness of the new dispensation of the Gospel of Jesus Christ, of which the Church of the Latter-day Saints is the manifestation and working power—when he was upon his mission as an apostle in Italy and Switzerland in 1849-1852.<sup>23</sup> After the financial difficulties of the Church were put in the way of adjustment his mind seemed to revert to this world-wide extension idea of the gospel, and he introduced the subject into the councils of the Apostles. He doubted the propriety of the Twelve Apostles and their co-laborers the Seventies remaining so constantly at home attending to the organized stake and auxiliary association affairs in Zion—and which could so easily and more appropriately be attended to by others<sup>24</sup>—while so much of the

23. See Chapter LXXVII. this History.

24. "For instance," said President Snow, when discussing this subject in a council meeting of the Apostles, "here are the Young Men's Mutual Improvement Associations, and it is astonishing, when we come to think about it, that the Apostles should be spending their time so largely among them. One would think that young men, properly instructed in a quorum [association] capacity, ought to be able to carry on this work with such aid as they might get in their different stakes. It seems to me the quorums of the Priesthood will have to receive attention. The active work that is being done appears to be in the direction of Mutual Improvement, but the quorums are not doing much." (President Joseph F. Smith in an article in the *Juvenile Instructor* on the "*Last Days of President Snow*," Vol. XXXVI, pp. 689-90). This, later, in the succeeding administration, led to the enlargement of the work among the quorums of the Priesthood that now characterizes the Church's activities.





world was uninstructed as to the New Dispensation message—so many nations and peoples that had not as yet heard the glad tidings of a restored gospel and a divine authority and commission given to teach it to the world. It was this spirit operating upon the mind of President Snow that led to the organization of the mission to Japan. Elder Heber J. Grant of the council of the Apostles was appointed on the 14th of February, 1901, to open this mission. Subsequently Horace S. Ensign, Alma O. Taylor and Louis A. Kelsch were associated with him, and together they started for Japan July 24th, 1901, arriving at Yokohama on the 12th of August. Progress was slow and difficult in this Mission, but finally a foothold was obtained. Articles were published in the periodicals of the country, announcing the mission and its purpose, tracts in explanation of the new dispensation message were also published, and finally the Book of Mormon was translated and published, the work, chiefly, of Elder Alma O. Taylor. The first convert to the faith was baptized at Tokyo on the 8th of March, 1902; and now (1915) in Japan, and for some years past, a mission has been maintained in that land.<sup>25</sup>

The opening of the work in Japan, however, President Snow regarded only as a beginning.<sup>26</sup> He had in mind the empires of Russia and Austria, and the Republics of South America. "He referred to the experience of men as given in the Book of Mormon," says President Smith, referring to a council meeting of the Apostles of August 22nd, 1901, "who went and labored among their bitterest enemies and accomplished a mighty work.

25. The first convert's name was Hajimi Nakazaha, formerly a shinto-priest. Eleven Elders from Zion are at present in the Mission (1915).

26. In a council meeting of the Apostles on the 28th of September, President Snow, remarked: "I want to say—I want to say, here are the Apostles and the Seventies, their business is to warn the nations of the earth and prepare the world for the coming of the Savior. They have been engaged in this more or less. Now we find ourselves in a compact, gathered condition, the Church divided into stakes, and we come together from time to time in a council capacity to consider the interests of the cause generally, and make appointments for brethren to visit the stakes when holding their conferences. It looks to me that our minds ought to extend somewhat, and we get out of the beaten track, and a little change be made. For instance, we have started in this direction by sending Brother Grant over to Japan, but this is only a start. Things seem to be going on favorably with him; but whether he will accomplish much or not matters not in one sense; it is for the Apostles to show to the Lord that they are His witnesses to all the nations, and that they are doing the best they can." (Last Days of President Snow, by President Joseph F. Smith, *Juvenile Instructor*, Vol. XXXVI, p. 690).



The Lord, he said, was obliged to help them as they were in the line of their duty, and this he did in miraculous ways. The President named Austria and Russia, and said there were other countries where it seemed impossible to introduce the Gospel, but still it had been done partly in Austria, and Elders were making inroads into countries to where they heretofore had been forbidden to preach. The President also said there were republics on this continent which never had been visited by an Apostle, and he did not know how far the Lord justified the Apostles and Seventies in waiting for things to become pleasant and agreeable before visiting such countries. He also said he did not know how far the Lord justifies the Apostles and the Presiding Seventies in permitting the missionary Elders to do the work, evidently upon their own volition, of opening up new fields of labor in foreign lands. I now present this, he said, for the consideration of the brethren: How far are the Apostles justified in stopping at home? The Priesthood, he said, was established for certain purposes, and there is a certain work that has to be done. The Lord seems to be in a hurry to have it done, and I think it is our duty to reflect seriously upon this and see how matters stand with us."<sup>27</sup>

As the October conference drew near, the theme seemed to take even stronger hold upon the mind of the President. He had been in feeble health for some time, and he announced his intention to reserve all his strength to the Sunday afternoon of the coming conference in order to present this subject of the work of the Apostles to the Church in conference assembled—October 6th. The President was feeble but his mind was remarkably clear, and he stood erect under the weight of 87 years, and addressed the saints at some length on the subject that was increasingly burdening his mind. He said in part:

"This Church is now nearly seventy-two years of age, and we are not expected to do the work of the days of our youth, but do greater, larger, and more extensive work. The Lord is coming one of these days, and He is interested in the work that you ought to be doing, and anxious to be doing. You ought to be doing all that you possibly can, and leave everything in your

27. *Ibid.*, p. 689. See also pp. 689-690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



business affairs that you wisely can do and attend to these matters. The Presidents of these fifty stakes should consider the people in their respective stakes, in their various dominions. They should regard them as their own family, as their sons and daughters; and take as deep an interest in them as they ought to take in their own wives and children. It should be their thought by day and by night, how and in what way they can be most serviceable to their respective charges. Oh! brethren, do remember these things that I am now talking about; do not forget them. You Presidents, when you retire to your rest, you probably can spend half an hour before you go to sleep and let your thoughts run over your several jurisdictions. See wherein either physically, financially, or spiritually, you can help, and what can be done best in advancing the interests of your official family. These Bishops, however wise and energetic they think themselves—and the most of them certainly are very wise and energetic—need to be looked after. It is not for the Apostles to look after them. The Apostles have a work that is in another direction altogether. I want the Presidents of Stakes hereafter to realize that it is their business, not the business of the Apostles; it is the business of the High Priests, the Elders, the Bishops, Priests, Teachers and Deacons to look after these things [i. e. of a local character]. Do not lay this duty upon the shoulders of the Apostles. It is not in their line, at least only occasionally. There is a certain channel by and through which the Lord intends to exalt His sons and daughters, to remove wickedness from the earth and to establish righteousness, and that channel is the Priesthood, which God has established and shown clearly the nature and character of the various offices and duties thereof. The Apostles and the Seventies—it is their business, by the appointment of the Almighty, to look after the interests of the world. The Seventies and the Twelve Apostles are special witnesses unto the nations of the earth. The business of the High Priests, the Elders and the Bishops, is to look after the interests of these various organizations that I have mentioned. You presiding officers of the various stakes of Zion, the time is coming when you will not have to call and depend so much upon the Twelve Apostles and upon the Seventies.

“I wanted to say this, and to speak it with energy in a way that you will not forget it, that you cannot forget it. It is a wonderful responsibility, and the Lord expects it of you.”<sup>28</sup>

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28. *Mill. Star*, Vol. LXIII, pp. 737-40. The discourse is given there in full. Among the first acts of the next administration, which was soon inaugurated, was the announcement, Nov. 15th, of the acceptance of what President Snow had delivered at the conference “as the word of the Lord to us all.” Referring to Pres-





Of course the Twelve Apostles labor under the direction of the First Presidency of the Church (Doc. & Cov., sec. 107:33); and it is but just to them to say that they have always held themselves ready to go wherever sent, and whenever called; and the purpose of the introduction of the foregoing questions by President Snow was doubtless to prepare the minds of the Twelve for a larger conception of their duties, previous to entering into broader fields of activity under the direction of the First Presidency.

On the 12th of April, 1901, President George Q. Cannon had died at Monterey, California. At the October conference Elder Joseph F. Smith was advanced from the position of second to first councilor in the Presidency, and Rudger Clawson of the council of the Twelve was chosen to be second councilor; but the Presidency as thus constituted, however, did not survive long as three days after the close of the conference, *viz*, October 13th, 1901, President Lorenzo Snow died.

Following both the instruction of President Woodruff—previously mentioned—and the example in organizing the First Presidency when Lorenzo Snow was chosen, the council of the Apostles and the two of the late president took immediate action in the matter of reorganizing the First Presidency. Seven days after the death of President Snow the organization was effected—October 17, 1901. Joseph F. Smith was chosen President and selected John R. Winder and Anton H. Lund for his councilors in the order named. John R. Winder at the time of being selected was second councilor in the presiding Bishopric of the Church, a high priest therefore, and a man of large experience, much beloved by the brethren of the authorities, and by the people generally. Anton H. Lund, was a member of the Apostles quorum and a faithful man, held every where and by all classes of the community in esteem. President Joseph F. Smith, was a son of Hyrum Smith, brother of the Prophet Jo-

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ident Snow's discourse, President Joseph F. Smith said:

"By way of comment I may briefly add, that we accept what is contained therein on the duties of the Twelve, and presiding Priesthood, as the word of the Lord to us all. It is so plain and so convincing as to leave no room for doubt; and there remains but one thing for us to do, and that is to zealously and arduously labor to successfully accomplish all that is required at our hands." (Last Days of President Snow. *Juvenile Instructor*, Vol. XXXVI, p. 690).



seph, who shared martyrdom with that brother in Carthage prison. It had long before been predicted that Joseph F. Smith would preside over the Church; and this, with the sympathy that his family relationship elicited, together with the fact of his well known uprightness of life, and his love and devotion for the work of the new dispensation of the Gospel, combined to make his selection for President very acceptable to the Church. Hyrum M. Smith, son of President Smith, was a few days later—October 24th—chosen to fill the vacancy in the council of the Twelve Apostles made by the advancement of Elder Lund to the Presidency. Orrin P. Miller was chosen the same day to fill the vacancy in the Presiding Bishopric of the Church, made by the advancement of John R. Winder to the Presidency. These changes brought Brigham Young, son of the late President Brigham Young, to the position of President of the quorum of the Twelve Apostles.

A special general conference of the Church was called to meet on the 10th of November to ratify the several steps that had been taken in organizing the First Presidency and the changes effected in the Council of the Apostles and the presiding Bishopric. Accordingly the conference convened and sustained all the general officers of the Church, including all the new appointments. The priesthood was grouped in a general assembly of quorums, each order of officers by itself and expressing by its position, its relationship to the whole organization. The several motions were voted upon by each group severally, and then finally by the whole body of the priesthood and the people.<sup>29</sup>

Early in President Smith's administration, that is to say January 20th, 1903, the Republican legislature of Utah elected Reed Smoot to be United States Senator from Utah. As he was a member of the quorum of the Twelve Apostles, having been chosen to that office at the General Conference of the Church in April, 1900, filling the vacancy occasioned by the death of Franklin D. Richards, and as he, of course, had conformed to the Church rule, and obtained leave of absence as to his Church duties in or-

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29. Elaborate Minutes of the conference will be found in *Mill. Star*, Vol. LXIII, pp. 769-772 and 778-791. President Smith's important discourse at this conference will be found complete, *Ibid*, pp. 785-87 and 801-4.



der to be a candidate for the office he sought,—the cry was raised about Church intrusion into state and national politics, and loud protests were made against Mr. Smoot being seated in the senate. The matter finally took the form of a solemn protest against his admission to the senate by a group of eighteen men in Salt Lake City, in which sectarian ministers predominated, but there were among the names, mining and business men, lawyers, and editors. E. B. Critchlow, member of a prominent law firm in Salt Lake City, and Wm. Paden, pastor of the First Presbyterian Church of Salt Lake City, were the chief movers in the protest. The lawyer arranged the form of the protest, the pastor gathered the material.<sup>30</sup> The protest followed closely after the senator's election, bearing date of January 26th, 1903. The grounds of the protest are stated in the following excerpts from the document itself, being the introductory paragraphs from the document itself, and the main and subordinate headings of the document:

“We, the undersigned, resident citizens and qualified electors of the State of Utah, do hereby most respectfully protest:

That Apostle Reed Smoot, Senator-elect from the State of Utah, to whom, on or about the 21st day of January, 1903, a certificate of election was issued in due form by the governor of said State, ought not to be permitted to qualify by taking the oath of office or to sit as a member of the United States Senate, for reasons effecting the honor and dignity of the United States and their Senators in Congress.

We protest as above upon the ground and for the reason that he is one of a self-perpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-day Saints, or “Mormon” Church, claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who thus, uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohab-

30. The names of the signers are as follows: W. M. Paden, P. L. Williams, E. B. Critchlow, E. W. Wilson, C. C. Goodwin, W. A. Nelden, Clarence T. Brown, Ezra Thompson, J. J. Corum, George R. Hancock, W. Mont Ferry, J. L. Leilich, Harry C. Hill, C. E. Allen, George M. Scott, S. H. Lewis, H. G. McMillan, Able Leonard. The vocations and standing of these men in the community will be found in Proceedings in the Smoot case, Vol. I, pp. 591-2.





itation, who countenance and connive at violations of the laws of the state prohibiting the same, regardless of pledges made for the purpose of obtaining statehood and of covenants made with the people of the United States, and who by all the means in their power protect and honor those who with themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

In support whereof we do further show as follows:

I. The Mormon priesthood, according to the doctrine of that Church is vested with supreme authority in all things temporal and spiritual. . . .

II. The first presidency and twelve apostles are supreme in the exercise and transmission of the mandates of this authority.

III. As this body of men has not abandoned the principles and practice of political dictation, so also it has not abandoned belief in polygamy and polygamous cohabitation. . . .

IV. That this is the attitude of the first Presidency and apostolate, even since the suspensory manifesto of 1890, is evidenced by their teachings since then. . . .

V. This body of officials, of whom Senator-elect Smoot is one, also practice or connive at and encourage the practice of polygamy and polygamous cohabitation, and those whom they have permitted to hold legislative office have, without protest or objection from them, sought to pass a law nullifying enactments against polygamous cohabitation. . . .

Such the statement of alleged facts. The argument was that in consequence of this state of facts, and Mr. Smoot's official association with the body of men in the Church of the Latter-day Saints charged with being responsible for them, he ought not to be admitted as a member of the United States Senate, for the reason that it would be

"First, contrary to the public sentiment of the civilized world;

"Second, contrary to express pledges given in procuring amnesty [i. e. for polygamists];

"Third, contrary to express conditions upon which the escheated Church property was returned;

"Fourth, contrary to pledges given by the representatives of the Church and the Territory in their plea for statehood;

"Fifth, contrary to the pledges required by the Enabling Act and given in the state constitution.

"Sixth, contrary to a provision of the constitution of the state



which, in view of the conditions which have existed for more than fifty years, is peculiarly binding upon the leaders of the Mormon Church *viz.* "There shall be no union of Church and state, nor shall any church dominate the state, or interfere with its functions.

"Seventh, and contrary to law."<sup>31</sup>

Concluding the Protestants say:

"We your Protestants do further say and do earnestly and solemnly declare that we are moved hereto by no malice or personal ill-will toward Apostle Smoot, nor toward the people whom he seeks to represent in this high position.

We wage no war against his religious belief as such. We do not to the slightest extent deny him the same freedom of thought, the same freedom of action within the law, which we claim for ourselves.

We accuse him of no offense cognizable by law, nor do we seek to put him in jeopardy of his liberty or his property. We ask that he be deprived of no natural right nor of any right which under the Constitution or laws of the land he is fitted to exercise. With watchful jealousy we claim for him, whether as private citizen or as church official, as for ourselves, all the rights, privileges, and immunities safeguarded by the Constitution.

What we do deny to him is the right either natural or political, to the high station of Senator of the United States from which to wage war upon the home—the basic institution upon whose purity and perpetuity rests the very government itself."

A separate protest was made to the senate by one of the signers of the foregoing alleging practically the same things as in the protest here considered, but stated in less judicious terms and adding the charge that Reed Smoot was a polygamist. This was the Rev. J. L. Leilich.<sup>32</sup> But as Mr. Smoot was not a polygamist and never had been, the charge had no force, and was early thrown out of consideration in the proceedings.<sup>33</sup>

The subject was given a most thorough investigation by the Senate Committee on Privileges and Elections, of which J. C. Burrows of Michigan was chairman; and Mr. Robert W. Tay-

31. Proceeding in the Smoot Case, Vol. I, p. 1-25.

32. His Protest will be found in full in Smoot Case Proceedings, Vol. I, pp. 26-30.

33. *Ibid*, p. 125-126.



ler of Ohio, who was the chairman of the special house committee in the Roberts case, was employed as counsel to represent the Protestants in the Smoot case proceedings.

The hearings opened under such authorization by the senate on the 16th of January, 1904—Mr. Smoot in the meantime having been sworn in as a member of the senate and exercising the functions thereof—and continued until the 11th of June, 1906, the date on which the Committee made its report to the Senate.<sup>34</sup> And for the nearly two years that the question was before the Senate Committee, the press of the country sensationally published the testimony as fast as it was given—especially the parts of it detrimental to the Church in Utah, with editorial comment in the main extremely bitter and prejudicial to the moral standing of the Church in public opinion.

The report of the Committee was adverse to the senator from Utah. In closing their review of the evidence they say:

“The more deliberately and carefully the testimony taken on the investigation is considered, the more irresistibly it leads to the conclusion that the facts stated in the protest are true; .

. . . that the said first Presidency and Twelve Apostles do now control, and for a long time past have controlled, the political affairs of the state of Utah, and have thus brought about in said state a union of church and state, contrary to the constitution of said State of Utah and contrary to the Constitution of the United States, and that said Reed Smoot comes here not as the accredited representative of the state of Utah in the Senate of the United States, but as the choice of the hierarchy which controls the church and has usurped the functions of the state in said state of Utah.

It follows, as a necessary conclusion from these facts, that Mr. Smoot is not entitled to a seat in the senate as a senator from the state of Utah, and your committee reports the following resolution:

*Resolved*, That Reed Smoot is not entitled to a seat as a Senator of the United States from the state of Utah.

Signed. J. C. BURROWS.”<sup>35</sup>

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34. The Testimony, arguments and final report of the Committee make four large volumes of matter aggregating 3,429 pages.

35. Smoot Case Proceedings, Vol. IV, pp. 497-8.





A minority of the senate committee, however, presented views adverse to the findings of the majority. In closing their review of the testimony presented, the minority said:

"The conditions existing in Utah since Reed Smoot became an official of the Mormon Church in 1900 have been such that non-Mormons and Mormons alike have acquiesced in polygamous cohabitation on the part of those who married before the manifesto of 1890, as an evil that could best be gotten rid of by simply tolerating it until in the natural course of events it shall have passed out of existence.

With this disposition prevailing everywhere in the state of Utah among all classes—the Gentile or non-Mormon population as well as among the Mormons—the undersigned are of the opinion that there is no just ground for expelling Senator Smoot or for finding him disqualified to hold the seat he occupies because of the fact that he, in common with all the people of his state, has not made war upon, but has acquiesced in, a condition for which he had no original responsibility. In doing so he has only conformed to what non-Mormons, hostile to his church, as well as Mormons, have concluded is, under all the circumstances, not only the wisest course to pursue, but probably the only course that promises effective and satisfactory results.

[Signed] J. B. FORAKER,  
ALBERT J. BEVERIDGE,  
WM. P. DILLINGHAM,  
A. J. HOPKINS,  
P. O. KNOX.<sup>736</sup>

The case was called up in the Senate on the 13th of December, 1906, when Senator DuBoise, of Idaho, made an exhaustive speech supporting the resolution of the Committee, viz: "that Reed, Smoot was not entitled to a seat as a senator of the United States from the State of Utah." And from thence to the time that the vote was taken upon the resolution—20th of February, 1907—many senators made speeches upon the subject, and Utah affairs were fully discussed through all that time. As finally voted upon the resolution was so amended as to require the concurrence of two-thirds of the senators present, and on the resolution so amended the vote stood; yeas 28; nays, 42; not voting 20. "So the resolution was rejected, two-thirds of the senators present not voting therefor,"<sup>737</sup> and Mr. Smoot retained his seat.

36. *Ibid.*, 505.



One thing was demonstrated by this investigation, viz: that the Utah constitutional convention settlement of the Mormon polygamy question was the one that was being adhered to in Utah, and that in spite of some exceptions to the contrary, viz.: that there should be a cessation of polygamous marriages for the future, but that in polygamous families where the plural relations were established previous to the Woodruff manifesto of 1890, they should not be disturbed by prosecutions under the law. That is to say, as to the latter part of the statement, and to quote the words of the minority members of the Senate committee on Privileges and election—

*"The conditions existing in Utah have been such that non-Mormons and Mormons alike have acquiesced in polygamous cohabitation on the part of those who married before the Manifesto of 1890, as an evil that could best be gotten rid of by simply tolerating it until in the natural course of events it shall have passed out of existence."*

One other thing also was disclosed by this investigation, viz: that as to new polygamous marriages, by which is meant such

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37. *Congressional Record*, for 20th Feb., 1907, pp. 3429-30. In addition to the support of powerful members of the Senate, it was quite generally understood that President Roosevelt threw the weight of the administration in favor of the senator from Utah; but President Roosevelt insisted that he gave only a moderate personal support, based upon his confidence in the Utah senator's report of his absolute freedom from all entangling associations with practical polygamy, and of all kinds of sex immorality. Of his connection with the Smoot case, and the part he took therein, Ex-President Roosevelt in a letter to Mr. Isaac Russel, published in *Colliers-Weekly*—for April 15th, 1911, said:

"As for the case of Senator Smoot himself, he came to me of his own accord, and not only assured me that he was not a polygamist, but, I may add, assured me that he had never had any relations with any woman excepting his own wife; and I may also add that it was the universal testimony of all who knew anything of his domestic life that it was exemplary in every way. He also assured me that he had always done everything he could to have the law about polygamy absolutely obeyed, and most strongly upheld the position that the Church had taken in its public renunciation of polygamy and that he would act as quickly against any "Mormon" who nowadays made a plural marriage as against a Gentile who committed bigamy. I looked into the facts very thoroughly, became convinced that Senator Smoot had told me the truth, and treated him exactly as I did all other Senators—that is, strictly on his merits as a public servant. I did not interfere in any way as to his retention in the senate, save that where Senators came up to speak to me on the subject, I spoke to them freely along the lines I have here outlined, taking the view which I believe is the only view that an American can consistently take, namely, that if Mr. Smoot or any one else had disobeyed the law he should, of course, be turned out, but if he had obeyed the law and was an upright and reputable man in his public and private relations, it would be an outrage to turn him out because of his religious belief." (The letter was copied for *Colliers* by permission, with the correspondence that brought out the statement, into the Improvement Era for June, 1911, pp. 712-718).



polygamous marriages as had been contracted since the Woodruff Manifesto of 1890, the injunction of said Manifesto had not been strictly adhered to even by some high officials of the Church of Latter-day Saints and people misled by them. Some gave such an interpretation to the Manifesto as to make it operative within the United States alone, and that plural marriages outside of national jurisdiction, were not violations of the Church inhibition of such marriages. "I have always believed," said Elder John W. Taylor in his letter of resignation as one of the Twelve Apostles of the Church—

"I have always believed that the Government of the United States had jurisdiction only with its own boundaries, and that the term 'laws of the land' in the manifesto meant merely the laws of the United States. I find now that this opinion is different to that expressed by the Church authorities, who have declared that the prohibition against plural marriages extended to every place and to every part of the Church. It is doubtless true that this view of the matter has been given by President Woodruff and others, but I have never taken that as binding upon me or the Church, because it [such interpretation] was never presented for adoption by 'common consent' as was the manifesto itself, and I have disputed its authority as a law or a rule of the Church."<sup>38</sup>

Elder M. F. Cowley, who with Elder Taylor resigned from the Apostolate because of this attitude and for violation of the Woodruff Manifesto, made a similar statement in his letter of resignation. This erroneous view has already been considered and refuted in a previous chapter.<sup>38½</sup>

The fact that there were numerous reports in circulation that plural marriages had been entered into contrary to the official declaration of President Woodruff, of 1890, led President Smith at the general conference of April, 1904 to take a stronger and sterner attitude upon this subject, declaring that if any officer

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38. See letter dated Oct. 28, 1905, in "Defenses of Faith and the Saints," Vol. II, pp. 329-30. Also confirmed by telegram to Mr. Worthington, attorney for Senator Smoot from G. F. Gibbs, sect. Presidency of the Church Proceedings in the Smoot Case, Vol. IV, p. 441.

38½. See Chapter ———.





or member should assume to solemnize or enter into any such marriage, they would be excommunicated from the Church.<sup>39</sup>

This was followed by an agitation within the Church which finally led to the resignation of the Two Apostles chiefly concerned in the matter of new marriages. Elder John W. Taylor and Matthias F. Cowley, 28th of October, 1905, followed later by other depositions and excommunications.

At the General conference of the Church following the settlement of the Smoot case by favorable action of the Senate the Church issued an "*Address to the World*" submitted to the conference by the Presidency, and adopted by unanimous vote on

39. See Official report of the Conference published by the Church for April 3, 4, and 6, 1904, p. 74. The matter is important and therefore the record of the action is given; President Smith said introducing the subject:

"I am now going to present a matter to you that is unusual, and I do it because of a conviction which I feel that it is a proper thing for me to do. I have taken the liberty of having written down what I wish to present, in order that I may say to you the exact words which I would like to have conveyed to your ears, that I may not be misunderstood or misquoted. I present this to the conference for your action:

#### "OFFICIAL STATEMENT."

"Inasmuch as there are numerous reports in circulation that plural marriages have been entered into contrary to the official declaration of President Woodruff, of September 26, 1890, commonly called the Manifesto, which was issued by President Woodruff and adopted by the Church at its general conference, October 6, 1890, which forbade any marriages violative of the law of the land, I, Joseph F. Smith, president of the Church of Jesus Christ of Latter-day Saints, do hereby affirm and declare that no such marriages have been solemnized with the sanction, consent, or knowledge of the Church of Jesus Christ of Latter-day Saints; and I hereby announce that all such marriages are prohibited, and if any officer or member of the Church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the Church, and will be liable to be dealt with according to the rules and regulations thereof and excommunicated therefrom.

[Signed] "Joseph F. Smith,

"President of the Church of Jesus Christ of Latter-day Saints."

"They charge us with being dishonest and untrue to our word. They charge the Church with having violated a 'compact,' and all this sort of nonsense. I want to see to-day whether the Latter-day Saints representing the Church in this solemn assembly will not seal these charges as false by their vote.

"President Francis M. Lyman, presented the following resolution, and moved its adoption:

#### "Resolution of Endorsement."

"Resolved, That we, the members of the Church of Jesus Christ of Latter-day Saints, in general conference assembled, hereby approve and endorse the statement and declaration of President Joseph F. Smith just made to this conference concerning plural marriages, and will support the courts of the Church in the enforcement thereof." The resolution was seconded by a number of presidents of stakes and prominent elders. . . . The resolution was then adopted, by unanimous vote of the conference."



the 5th of April, 1907, in which were discussed the whole mission and attitude of the Church and especially its attitude with reference to the questions at issue in the recent period of agitation,—1903-1907—*viz.*, polygamy, Church dominance of the state, and ecclesiastical dictation in political matters. Relative to the first the Address declared that the Latter-day Saints had bowed in respectful submission to the laws and constitutional provisions affecting plural marriages. "If it be urged," said the address, that there have been "instances of the violation of the anti-polygamy laws, and that some persons within the Church have sought to evade the rule adopted by her, prohibiting plural marriages, the plain answer is that in every state and nation there are individuals who violate law in spite of all the vigilance that can be exercised; but it does not follow that the integrity of a community or of a state is destroyed, because of such individual transgressions. . . . When all the circumstances are weighed, the wonder is, not that there have been sporadic cases of plural marriage, but that such cases have been so few. It should be remembered that a religious conviction existed among the people holding this order of marriage to be divinely sanctioned. Little wonder then that there should appear, in a community as large as ours, and as sincere, a few overzealous individuals who refused to submit even to the action of the Church in such a matter, or that these few should find others who sympathized with their views; the number, however, is small.

"Those who refer to 'Mormon polygamy' as a menace to the American home, or as a serious factor in American problems, make themselves ridiculous. So far as plural marriage is concerned, the question is settled. The problem of polygamous living among our people is rapidly solving itself. It is a matter of record that in 1890, when the manifesto was issued, there were 2,451 plural families; in nine years this number had been reduced to 1,543. Four years later the number was 897; and many of these have since passed away."<sup>40</sup>

With reference to the subject of Church dominance of the

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40. The address will be found complete in *Defense of the Faith and the Saints*, Vol. II, pp. 237-254.



state, and of ecclesiastical interference with the affairs of the state, the address said:

“The Church of Jesus Christ of Latter-day Saints holds to the doctrine of the separation of church and state; the non-interference of church authority in political matters; and the absolute freedom and independence of the individual in the performance of his political duties. If, at any time, there has been conduct at variance with this doctrine, it has been in violation of the well settled principles and policy of the Church.

We declare that from principle and policy, we favor:

The absolute separation of church and state;

No domination of the state by the church;

No State interference with the functions of the Church; or with the free exercise of religion;

The absolute freedom of the individual from the domination of ecclesiastical authority in political affairs;

The equality of all churches before the law.

The reaffirmation of this doctrine and policy, however, is predicated upon the express understanding that politics in the states where our people reside, shall be conducted as in other parts of the Union; that there shall be no interference by the State with the Church, nor with the free exercise of religion.”

The “Address” was conceived and written in a conciliatory spirit, and was intended to form the basis of a right understanding of the attitude of the Church of the Latter-day Saints with reference to her whole mission and message to the world, and especially with reference to the questions that had been immediately at issue in the recent controversy. It was met by the Ministerial Association of Utah with a very unfair “Review” and condemnation, in which the Ministerial Association sought to discredit the “Address” in public opinion.<sup>41</sup> In this, however, it has failed, since the views then set forth with reference to polygamy and polygamous living have become the recognized “public policy of the state and the nation.”

Without any good reason appearing for it, in the later months of 1910, and thence through the year 1911, there was waged a bit-

41. The “Review” in full will be found in *Defense of the Faith and the Saints*, with an exhaustive discussion of the Review in a speech delivered at the Y. M. M. I. Conference of June 9th, 1907, held in Salt Lake City. The two papers and the answering speech fill pp. 236-263 of the *Defense*.





ter American magazine warfare against the Church of the Latter-day Saints, and more especially against President Joseph F. Smith; and on this same old question of polygamy and polygamous living. Mr. Reed Smoot had been re-elected Senator from Utah by a unanimous vote of the Utah legislature on the 20th of January, so that the magazine crusade could not have been undertaken with a view to his defeat, and for re-election and there seems to be a mystery to this day as to the cause of this sensational magazine uprising against the Church of the Latter-day Saints<sup>42</sup>—its officers and members.

To counteract this old warfare in its new phase, the First Presidency of the Church issued a signed address to the officers and members of the Church in general conference on the 9th of April, 1911, taking note of these magazine articles, denying their statements and deductions, and setting forth the truth in respect of such things as were alleged. The address was adopted and endorsed by unanimous vote of the general conference, and given out to the press of the country.<sup>43</sup> About the same time ex-President Roosevelt's letter to Mr. Isaac Russel appeared in *Colliers* (15th of April, 1911) in which he gives, without designing to do so, a refutation to many of the charges made against the Church both as to new cases of polygamy, by reason of investigations of the government's secret service during his incumbency of the president's office, which he reports, and also as to the alleged political deals between himself and the Mormon

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42. Pearsons led off with three articles, September, October and November, 1910, by Richard Barry, and the Editor. Frank J. Cannon, former Senator from Utah, and son of the late George Q. Cannon—so long counselor in the First Presidency—came next. His first article appeared in "Every Body's Magazine" for December, 1910, and continued through eight numbers of the publication. The article was written in collaboration with Harvey J. O. Higgins. Next came McClure's with two articles, January and February, 1911—by Burton J. Hendricks, and comments by the Editor. The *Cosmopolitan* had two articles—March and April, 1911, by Alfred Henry Lewis, so personal and bitter, and so viciously illustrated that the articles defeated their own ends, and brought the author more censure than praise. These magazine articles were the occasion of wide spread and generally unfriendly and denunciatory editorials in the daily press of the country, and the Church suffered much in her reputation because of this unreasonable crusade.

43. The address is published in the *Improvement Era* of June, 1911, pp. 719-724.



Church authorities. Incidentally, too, he bears strong testimony to the virtues of the Mormon people.<sup>44</sup>

This magazine crusade of 1910-1911—failed of its purpose, if that purpose was to change the public policy either of the state of Utah or the nation with reference to polygamous living. The subject is no longer agitated in Utah or in the nation; and as previously remarked it is a matter that is passing into extinction from natural causes.

A local effect of these recent crusades and the Smoot investigation was to bring into temporary existence the old anti-Mormon political party of Utah, but under a new name. Instead of assuming the old title "Liberal" it was called the "American Party." Its founders justified their action in calling it into existence because of the alleged disclosures in the Smoot investigation, and what was alleged to be a general recurrency to the practice of polygamy and Mormon ecclesiastical interference in political affairs. The first steps in the matter of effecting an organization were taken on November 7th, 1904, at a time when taking testimony in the Smoot hearings was in full blast. The methods of campaigning were sensational, and such was the state of public opinion that a year from that time at the municipal election held in Salt Lake City, the American Party elected their candidate for Mayor and a majority of the city council; so that the city administration went into the hands of the American Party,

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44. *Colliers Weekly* for April 15, 1911. He says on the subject of the investigation:

"On one occasion a number of charges were made to the administration while I was President about these polygamous marriages in Idaho and Wyoming as well as Utah, it being asserted that a number of our Federal officials had been polygamously married. A very thorough and careful investigation was made by the best men in the service into these charges, and they were proved to be without so much as the smallest basis in fact."

Then of the people: "So much for these slanders" [i. e. of certain of the magazine articles]. Now a word to the "Mormon" people themselves. Of the accusations made against the "Mormons" there is no need of my saying anything. . . . I have known monogamous "Mormons," whose standard of domestic life and morality and whose attitude toward the relations of men and women was as high as that of the best citizens of any other creed; indeed, among these "Mormons" the standard of sexual morality was unusually high. Their children were numerous, healthy, and well brought up; their young men, were less apt than their neighbors to indulge in that course of vicious sexual dissipation so degrading to manhood and so brutal in the degradation it inflicts on women and they were free from that vice, more destructive to civilization than any other can possibly be, the artificial restriction of families, the practice of sterile marriage; and which ultimately means destruction of the nation."



and continued under its control through three administrations from 1905 to 1911. The Mayors being Ezra Thompson for the first term, and John S. Bransford for two terms following. In the election for 1911 the American Party was overthrown by the citizens ticket, and at the same election Salt Lake went under the commission system of municipal government, with Samuel G. Park as Mayor.<sup>45</sup>

Many have been the changes caused by death and transitions in the presiding Council of the Church during the administration of President Joseph F. Smith. On March 27th, 1910, President John R. Winder, first counselor in the First Presidency, died. At the April conference following John Henry Smith, cousin of President Joseph F. Smith, and a member of the quorum of the Twelve Apostles, was chosen and sustained as second counselor in the Presidency, the previous second counselor, Anton H. Lund, being advanced to first counselor. October 13th, 1911, John Henry Smith died and Charles W. Penrose of the Council of the Twelve was selected, as second counselor in the First Presidency. Presiding Patriarch of the Church, John Smith died on the 6th of November, 1911, and was succeeded by his grandson, Hyrum G. Smith, who was sustained in the office of Presiding Patriarch of the Church at the April General conference of 1912.<sup>46</sup>

Changes in the quorum of Apostles for the period named were as follows:

"Brigham Young, son of the late President Brigham Young, died April 11, 1903, and at the October conference, 1903, Geo. Albert Smith was sustained as one of the Twelve Apostles to fill the vacancy.

Apostle Abraham Owen Woodruff died June 20, 1904, at El Paso, Texas, and at a meeting of the First Presidency and Apostles held July 7, 1904, Charles W. Penrose was chosen and ordained an Apostle to fill the vacancy.

The resignation of John W. Taylor and Matthias F. Cowley

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45. For account of the rise of the American Party see *Salt Lake Tribune* of Dec. 31st, 1905; also *Salt Lake Tribune* of Feb. 22, 1908; also speech by Mr. Joseph Lippman at Salt Lake City in the campaign of 1908, *S. L. Tribune* of Oct. 11, 1908.

46. The Patriarch was born near Salt Lake City, July 8th, 1878. His ordination took place 9th of May, 1912.





Oct. 6, 1905, and the death of Marriner W. Merrill Feb. 6, 1906, caused three vacancies in the quorum of the Twelve, which were filled at the April conference, 1906, when Geo. F. Richards, Orson F. Whitney and David O. McKay were chosen and sustained as members of the quorum of Twelve Apostles.

Geo. Teasdale died June 9, 1907, and at the October conference, 1907, Anthony W. Ivins was chosen and sustained as one of the Twelve Apostles.

The calling of John Henry Smith to the position of second Counselor in the First Presidency April 7, 1910, caused another vacancy in the quorum of the Twelve, which was filled by the ordination to the Apostleship of Joseph F. Smith, Jr., April 7, 1910.

Apostle Charles W. Penrose was chosen as second Counselor in the First Presidency, and the vacancy caused thereby in the quorum of Twelve was filled by James E. Talmage who was ordained an Apostle Dec. 8, 1911.”

In the First Council of Seventy the changes since the beginning of President Smith’s administration are as follows:

“Christian D. Fieldsted died Dec. 23, 1905, in Salt Lake City, and at the general conference held in April, 1906, Charles H. Hart was chosen to fill the vacancy caused thereby in the First Council of Seventy.

George Reynolds died Aug. 9, 1909, and at the general conference held in Salt Lake City Oct. 6, 1909, Levi Edgar Young was chosen to fill the vacancy.”

The changes in the presiding Bishopric for the same period have been as follows:

“Counselor John R. Winder having been promoted to the position of first counselor in the First Presidency, Orrin P. Miller was chosen as second counselor to Presiding Bishop Wm. B. Preston Oct. 24, 1901.

First Counselor Robert R. Burton died Nov. 11, 1907, in Salt Lake City.

Bishop William B. Preston resigned his position, owing to ill health, and Charles W. Nibley succeeded him as Presiding Bishop of the Church, Dec. 11, 1907, with Orrin P. Miller as first and David A. Smith as second counselor.”<sup>47</sup> (

47. Bishop Preston died Aug. 2, 1908. The above tabulation of changes among Church authorities is taken from Jensen’s Church Chronology—*Introductory*, pp. XXIX—XXXIV.



So that the general Presiding Councils of the Church now (August, 1915) are:

“Joseph F. Smith, President of the Church of Jesus Christ of Latter-day Saints. Anthon H. Lund, Charles W. Penrose, Francis M. Lyman, President of the Council of the Twelve Apostles.

Members of the Council of the Twelve Apostles: Francis M. Lyman, Heber J. Grant, Rudger Clawson, Reed Smoot, Hyrum M. Smith, George Albert Smith, George F. Richards, Orson F. Whitney, David O. McKay, Anthony W. Ivins, Joseph F. Smith, Jr., James E. Talmage.

Presiding Patriarch: Hyrum G. Smith.

First Seven Presidents of the Seventies: Seymour B. Young, Brigham H. Roberts, Jonathan G. Kimball, Rulon S. Wells, Joseph W. McMurrin, Charles H. Hart, Levi Edgar Young.

Presiding Bishopric: Charles W. Nibley, Presiding Bishop. Orrin P. Miller, David A. Smith, Counselors.”

During President Smith's administration the work of the Lord has been greatly prospered. On August 4th, 1902, a Bureau of Information was opened upon the Temple Block in Salt Lake City under the auspices of the Church, with a view of imparting information in relation to the city and the state, and especially in relation to the Church of Latter-day Saints, to the tens of thousands of tourists who annually visited Salt Lake City. Through many years the city, and the state, and especially the Church of the Latter-day Saints, suffered through the misrepresentation of hackmen who drove visiting tourists through the city and so filled them with sensational stories of alleged Mormon atrocities, and absurdities respecting “Mormon religious beliefs and doctrines that many people went away deeply prejudiced against both the faith and the community of Latter-day Saints. The Bureau was formed to overcome this evil, substituting for mis-representation, self-representation; awakening to the fact that here in the citadel of the faith and the community it would be better to represent themselves than to be misrepresented by others.<sup>48</sup> The Bureau started in a very humble building at a

48. The conception of this movement took form really in the latter months of the administration of President Snow, but nothing definite was done about organizing the Bureau until Feb. and March of 1902; see letters of date of Feb. 18th, 1902, and March of same year.



cost of about \$600.<sup>49</sup> It now has a splendid building at the south entrance of the Temple block, which with the recent additions will cost \$25,000. There is a fine force of intelligent workers employed who come in contact with hundreds of tourists daily, distribute Church literature, show the people through the grounds, and the buildings, and give explanations of the Latter-day faith, the history of the Church and the manner of life of the people. It is reported by the Bureau that during the year 1914 approximately 200,000 people registered, and were instructed in the faith of the Latter-day Saints.<sup>50</sup>

During President Smith's administration the Church purchased the old "Mack Farm" in Vermont, where the Prophet Joseph Smith was born. A cottage on the old homestead site, has been built, and a splendid monument to the Prophet, erected, which was unveiled and dedicated by President Smith on the one hundredth anniversary of the Prophet's birth, 23rd of December, 1905,<sup>51</sup> in the presence of a large company from Salt Lake City, who went east for the express purpose of attending the ceremonies;<sup>52</sup> and many people from the New England states and New York also attended.

The stakes of Zion have greatly increased in number during the current administration also, as likewise have the wards within them. The missions in the land where the work was brought forth, the United States of America, have been kept up and so have the missions in foreign lands and both have been enlarged. Zion has prospered, as witness these items of information culled

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49. The Bureau was opened under the direction of Elders Benjamin Goddard, Arnold H. Schulthess and Thomas Hull. The object was to distribute Church literature and impart all necessary information to tourists and other strangers visiting Salt Lake City. A small building for the entertainment of strangers and for the distribution of literature had been erected on the Temple Block at a cost of \$600. About seventy-five active members of the Church, of both sexes, were called to spend part of their time in entertaining visitors and escorting them around the block. During the first year of its operation the registry books indicated that 150,000 people were entertained." Church Chronology—Jensen—1902, Aug. 4th, p. 14.

50. *Ibid.* See also Art. in *Improvement Era*, for June, 1911, by Joseph T. Peery, pp. 688-694. A description of the Monument and an excellent steel engraving of it accompanied Chapter two of this history; see *Americana* for July, 1909.

51. A list of the company that accompanied President Smith is given in Church Chronology—Jensen—for 1905, p. 25.





from President Smith's remarks and report submitted to the annual general conference of the Church, for April, 1915. In opening the conference President Smith said:

"There never has been a time, at least within my remembrance, when the Church was in a better condition, spiritually and temporally, than it is today. I do not believe that there has ever been a time when the organizations of the various quorums of the priesthood were more nearly perfect or more diligent than they are at present; or when the stakes of Zion were more properly guarded, and their interests watched, by those who are presiding over them, than they are today. I believe that our general and auxiliary organizations of the Church, also the standard organizations of the priesthood, are performing their duty quite as well now, and I think somewhat better, than at any previous period of the Church's history. . . . Not only does this apply to those members who are called to act in responsible positions, but it applies to those who may be termed 'lay members;' if we may use such a term with reference to members of the Church of Jesus Christ of Latter-day Saints."

There has been a net increase in the membership of the Church<sup>54</sup> in the stakes of Zion from the year 1901 to 1914 of 129,493 souls. Of the membership of the Church residing in the stakes of Zion, 319,000 were born in the United States.

52. The total membership of the Church in the stakes of Zion as reported from records of the Presiding bishops office up to and including December, 1914—are 372,138; of this number 92,228 are children under eight years of age. The membership of the Church in the missions amounts to 80,859, making a total of 452,997.

The latest report concerning the number of men holding the Priesthood in the Church show that there are three in the First Presidency, twelve Apostles; two hundred and fifty Patriarchs; there are 11,200 High Priests, not including the Patriarchs who are also High Priests, or the First Presidency or the Twelve Apostles; 11,112 Seventies; 27,382 Elders, making a total in the Melchisedek Priesthood of 49,959.

In the Aaronic Priesthood there are 8,830 Priests; 10,607 Teachers; 22,772 Deacons, making a total of 42,209; and a grand total of those who hold the Priesthood in both divisions Melchisedek and Aaronic—of 92,166.

The enrollment in the auxiliary organization is as follows:

The Female Relief Society.....	34,493
Sunday school .....	162,904
Young Men's Mutual Improvement Association.....	32,586
Young Ladies Mutual Improvement Association.....	31,649
Children's Primary Association .....	63,452
Religion Classes .....	46,143
Total .....	316,441

These figures are from the Presiding Bishops office Reports up to and including December, 1914.



There are 74,432 families in the organized stakes of Zion. Our record shows that 73 per cent. of all the Latter-day Saint Families, residing in all the stakes of Zion, own their own homes. I am sorry that this figure is not as large as it has been in the past, but we have become more numerous than we were when 95 per cent. of the people of the Church owned their own little homes and owed nothing to anybody for them."

There are now 739 wards and 33 independent branches.

There are 68 stakes of Zion and 21 missions.

During the year 1914, 21 new stakes of Zion were organized.

The birth rate of the Church was 39.5 to the thousand.

The death rate was 8.3 to the thousand.

The marriage rate was 17 to the thousand.

During the year there were 14,717 children blessed.

There were 1,316 Elders and 115 Women laboring in the missions as missionaries.

During the conference it developed that it was desirable that more experienced men be called to the mission fields, and on this head President Smith said:

"It is decided that a greater number of older members of the Church shall be called as ministers abroad. To this end, a large number of Seventies have been and are being called to the various mission fields in the world. Whereas, it has been the recent custom to have nearly all young men in the field, boys in some instances, it is now decided desirable that at least two older men to one young man shall be called to the work.

The work in the Temples has been the largest on record. There have been performed in the Temples during the year, 166,909 baptisms for the living and dead, and 72,952 endowments for the living and dead. Altogether 326,264 ordinances have been performed in the four temples. This is a very considerable increase over any previous year."

The following report will show how the tithing of the Church for the year 1914 has been disbursed:

For the erection and maintenance of stake tabernacles, ward meeting houses, amusement halls and other stake and ward expenses.....	\$730,960 00
For the maintenance of Church schools.....	330,984 00
For the maintenance of our Temples.....	64,508 00



For the erection of mission houses and general mission activities, and return fares of missionaries .....	227,900 00
For the maintenance of Church buildings and Church institutions, including the Temple block and the Presiding Bishop's office. ....	99,293 00
For the completion and maintenance of the Latter-day Saints Hospital .....	136,727 00
For the erection of the Cardston (Canada) Temple .....	52,647 00
For the erection of the new Church office building. ....	128,663 00
Paid to the worthy poor out of the tithing funds..	116,238 00
	<hr/>
	\$1,887,920 00

This is the entire tithing of the Church in all the world for the year 1914.

The expenses of the General Authorities and the maintenance of the office of the First Presidency are paid out of revenues derived from investments, and not out of the tithes of the Church.

*Disbursements to the Poor for 1914.*

In addition to the amount paid out of the tithes to the poor .....	\$116,238 00
There has been collected and paid to the poor by the Relief Society .....	74,290 00
And there has been paid to the poor by the Bishops from the fast offerings and other ward charity funds .....	76,000 00
	<hr/>
Making a total paid to the poor of. ....	\$266,528 00
There has been collected for the war sufferers, which is being expended under the direction of President Hyrum M. Smith, of the European Mission .....	33,000 00 <sup>53</sup>

"Some people have reported that the tithes of the Church amount to millions every year, and Joseph F. Smith has the absolute control of all these millions, and never gives any account of them to the world, nor to anybody else. . . . These amounts which I have read, I think it may be proper to state here, cover

53. See Minutes of the Conference published in *Deseret Evening News*, April 4th, 1915.





the entire tithing of the Church in all the world for the year 1914."

The Church of Jesus Christ of Latter-day Saints has doubtless entered upon the second period of her development, the first, closing with the events which mark the end of her struggle for existence. That existence is now assured beyond any reasonable doubt; and no phase of the past direful experiences can ever be repeated. The scenes of Missouri can never be re-enacted, neither those of Nauvoo and Illinois. The great march across the prairie lands of Iowa, and the subsequent journey over the Platte plains, and across the mountains to the valley of the great Salt Lake—America's one Dead Sea—can never be even approximately duplicated. Nor can the feats of pioneering achievements of Utah's early days be repeated. The wilderness and the solitary places necessary for such feats are wanting. There is no vast wilderness now to conquer by man's bare hands made strong, not by formal, or institutional co-operation, but by the spirit of co-operation—by the spirit of mutual helpfulness which the gospel of Jesus Christ inspires. The solitary places are occupied, or, if not, will be subdued and made habitable by other methods than those employed by the Latter-day Saint Pioneers.

The struggle for the rights of local community self-government can never be repeated in America. The always anomalous system of Territorial government in the American Republic, is well nigh and will soon be quite, obliterated. In any event the Latter-day Saint experience in, and their struggle against its injustice, can never be repeated for them. Nor can the struggle for the maintenance of the plural marriage system permitted and sanctioned by the law of the Church for sacred purposes and the attainment of ends that were holy, and of high racial benefits, be repeated. What ever duty was imposed upon the Church of the Latter-day Saints to proclaim the truth which God revealed to her respecting this principle and practice, they have fully discharged it in the testimony they have borne and in the things they have suffered for that testimony—the scorn of the world, fines, the imprisonment and exile of thousands, the long years of community disturbance it brought, the constant menace



its maintenance was to the Church community existence—all this but exhibits the tenacity with which Latter-day Saints cling to truth, and the firmness with which they adhere to the line of duty. But the end for them in respect of this matter has come. Its future is in the hands of God.

Respecting the controversy about the union of Church and state and the domination of the individual in the performance of his civil duties by ecclesiastical authority, these problems, too, have passed away, if really they ever existed as a matter of conceded right to Church authority. But if they existed, even in seeming, they no longer exist either as conceded or claimed powers. And as a matter of fact are contrary to the underlying doctrines of the Church as they relate to the rights of the individual. In the Book of Mormon—a book that is scripture to the Latter-day Saints—it is stated that the basic principle of a republic—which form of government it favors as against monarchy, and which it describes as government by the voice of the people—is the direct moral responsibility of the individual to God for the government which he, with his fellows, permits to exist. (Mosiah, chapter XXIX). It follows of course that such moral responsibility can only exist when the absolute freedom of the individual is assured. So this controversy is of the past. If any one assumes to revive it, it must be done in the face of a long list of official utterances disclaiming such right and power as inhering in the priesthood or the Church, and against the express word of God. It is not likely to occur.

The controversies of the Church of the Latter-day Saints, then, that have relationship to this first great period of the Church's existence—the period in which the dominant note has been a struggle for existence—are ended. The victory is won for the Church. The prophecy of Joseph Smith that the Saints would survive the period of their persecutions, and that there were men then listening to his words who would live to see the Saints become a mighty people in the mist of the Rocky Mountains—*Is now an accomplished fact.*

It remains for the Church of the Latter-day Saints to enter upon the Second Period of her development with perfect confidence that her existence is assured; and that hence forth she has



the two great things of her high mission to accomplish, *viz.*, (1) To teach the truths which God has committed to her by a reopening of the heavens and a renewal of revelations to an established Church, to an organized priesthood thence to be proclaimed to every nation and kindred and tongue and people; and (2) to perfect the lives of those who shall accept the truths so revealed to her, and thus assist in preparing men and the world for the personal coming and reign of the Christ on the earth.

He which testifieth these things [The Christ] saith, “*Surely I come quickly.*”

And we *who* write them, respond in our heart—

“Even so, come, Lord Jesus!”

THE END.















